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ABSTRACT

This textbook for high school, college, or adult readers covers the history and culture of the Navajo People from their own perspective from the coming of American control in 1846 until 1978. Topics include the last Navajo war, the Long Walk, the impact of Navajo agents on policy, early traders and flourishing of crafts, settlement of reservation boundaries, modern political changes, the New Deal, education and health concerns in the 1920's and 1930 s, World War II, and current reservation issues. Footnotes follow each chapter; a bibliography of 117 books, articles, and government publications and a subject index are included. Maps, charts, and 50 illustrations, mostly black and white photographs, enrich the text. Eight United States-Navajo treaties comprise the appendices. (LFL)

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NAVAJO HISTORY

The Land and the People

BILL P. ACREY

Department of Curriculum Materials Development
Central Consolidated School District No. 22
Shiprock, New Mexico

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DEDICATION

This book is respectfully dedicated to the Navajo people whose courage, patience and progress can serve as an example for all people.

CONTENTS

Illustrations
Maps and Charts
Foreword

1 THE COMING OF THE AMERICANS 1
    On To New Frontiers 2
    Into Navajo Country 4
    Meeting at Ojo del Oso 4
    The Treaty of Ojo del Oso 7
    The Newby Treaty 9

2 TREATIES AND UNREST 11
    The Meeting at Washington Pass 11
    Death of Narbona 14
    The Washington Treaty of 1849 14
    The Treaty of Laguna Negra 22
    Relations Strained 23

3 TROUBLED TIMES 25
    The Trouble at Fort Defiance 25
    The Bonneville Treaty of 1858 28
    The Canby Treaty of 1861 31
    The Civil War 32
    The Fort Fauntleroy Massacre 32

4 THE LAST NAVAJO WAR 35
    Creating the Bosque Redondo Reservation 35
    Planning the Navajo Campaign 37
    Kit Carson Prepares For War 39
    Nídahadzid dáá "The Fearing Time" 40

5 THE LONG WALK 45
    The Trail to the Bosque Redondo 45
    The People Remember 49
    The "Long Walks" Come to an End 51

6 AT THE BOSQUE REDONDO 55
    The Bosque Redondo 55
    Conditions at the Bosque Redondo Reservation 58
    Economic Conditions at the Bosque 59

Bosque Politics 66
Congressional Investigations 66
The Graves Investigation 68
The Peace Commission 68

7 THE TREATY YEARS: 1868-1878 73
The Treaty of 1868 73
The Return Home 76
The Promised Livestock 79
The Bad Years 80
A Police Force is Created 81

8 THE NAVAJO AGENTS: 1868-1884 82
The Early Agents 82
Agent Miller, 1871-1872 83
Agent W. F. M. Arny, 1873-1875 84
Agents Irving, Smith and Pyle, 1875-1879 87
Galen Eastman, 1879-1880 88
Captain Frank T. Bennett, 1880-1881 90
Eastman Returns, 1881-1882 92
Dennis Riordan, 1883-1884 96

9 THE NAVAJO AGENTS: 1884-1900 102
John H. Bowman, 1884-1886 102
Samuel S. Patterson, 1886-1889 103
Charles E. Vandever, 1889-1890 106
David Shipley, 1890-1893 108
Lt. Edward Plunmer, 1893-1894 110
Chicago Exposition 114
Captain Constant Williams, 1894-1898 116

10 A TIME OF CHANGE 118
The Navajos: 1881-1900 118
Growth Within the Reservation 118
Livestock Increase 119
Other Changes and Services: 1881-1900 120
Education: 1868-1910 123
The Boarding Schools: 1868-1900 125

11 THE TRADERS 131
The Early Traders 131
The Trading Post System 137

12 NAVAJO CRAFTS INCREASE 142
Weaving 142
Navajo Silver 150

13 NEW LANDS 157
- The Reservation Grows 157
- The Checkerboard Areas 159
- Attempts to Solve the Checkerboard Problems 160
- The Eastern Checkerboard 162
- Attempts to Dismantle the Reservation 164
- Compromises 165
- Executive Order Withdrawals Ended 166

14 AGENT, AGENCY AND LEGAL CHANGES 169
- Reservation Agencies: 1900-1927 169
- The Agents, 1900-1920 170
- Agent Perry and the Tol Zhin Affair 171
- Agent Shelton and the Bia-a-lil-le Affair 175
- The Beautiful Mountain Uprising, 1913 177
- The Rights of Indians 181
- The Federal Government and Indian Law 182
- Courts of Indian Offenses 183
- New Rules for the Courts of Indian Offenses 184
- Federal Indian Philosophy and Policy 186

15 MODERN POLITICAL CHANGES AND MINERAL RIGHTS 189
- Traditional Navajo Social-Political Functions 189
- Traditional Navajo Social-Political Structure 191
- Mineral Law and The Reservation 196
- Business Council Established 201
- The Tribal Council 201

16 EDUCATION, HEALTH AND CITIZENSHIP: THE 1920'S AND 1930'S 205
- Education 1900-1940 205
- School Conditions 209
- The Meriam Report 210
- Progressive Education 212
- Health Care on the Reservation 215
- Citizenship 219
- Roads and Transportation on the Reservation 221

17 NAVAJOLAND AND THE NEW DEAL 224
- Traditional Livestock Values 225
- The Introduction of Grazing Fees 226
- The Zeh Report 227
- Roosevelt and The New Deal 228
- The New Deal Comes to the Reservation 231

The Soil Conservation Service and the First Livestock Reduction 232
Chapter Houses 235
The Second Stock Reduction Program 237
Range Management Districts 240
Further Reductions: 1937 Grazing Program 241

18 OTHER CHALLENGES OF THE 1930'S 246
The Wheeler-Howard Indian Reorganization Act 246
The Proposed Constitution and the Headmen Council 248
Constitution Rejected 250
Attempts To Get More Land 252
The Taylor Grazing Act 256

19 A NEW AWAKENING, THE 1940'S 258
World War II 258
War on the Homefront 261
Education,The 1940's 263
Other Changes 265
Post War Problems 265
Education Opportunities on the Reservation: 1945-1950 266

20 THE POST WAR YEARS 271
Help for the Navajos 271
The Navajo-Hopi Long Range Rehabilitation Act-Education 273
Navajo Emergency Education Program 274
Special Navajo Education Program 275
Public Schools on the Reservation 276
Tribal Encouragement 278
Modern Tribal Leadership 281
Political Influence 285

21 THE CHANGING NAVAJO SCENE 287
The Reservation Oil Industry 287
Mining 289
Agricultural and Foresty 289
Industry and Commerce 290
Communication, Transportation and Utilities 292
Public Services 292
Tourism 295
Unemployment 295
Housing 296
Current Problems 298

ILLUSTRATIONS

Manuelito in 1874 27

General James H. Carleton 36

Kit (Christopher) Carson in 1864 41

Brush Shelters built by Navajos at the Bosque Redondo 60

Early Buildings at Fort Sumner 60

Navajos waiting to receive passes at the provost marshal's office 61

Navajos gathered in front of the Issue House at Fort Sumner 61

Navajo corn fields at the Bosque Redondo 62

Navajos husking corn at the Bosque Redondo 62

Navajo adobe yard and fields at the Bosque Redondo 63

Indians helping construct a building at Fort Sumner 63

Group of Navajos at the Bosque Redondo 64

Navajo headmen accused of counterfeiting ration tickets at Fort Sumner 64

Buildings at Fort Sumner 65

Indians and Soldiers at Fort Sumner 65

Barboncito, outstanding Navajo leader 74

Tiene-su-se, Ganado Mucho and Mariano, members of the Navajo delegation to Washington in 1874 94

Narbona Primero, sub-chief of the Western Navajo, 1874 95

Chee Dodge as a young man 101

Hash Kéh Neiniih Biye', headman in the Oljeto, Arizona Area 104

Diné Ts'ósí Biye' of Chinle, Arizona 107

A Navajo couple, Pedro and Anselina 109

Bilíí Lizhinii (Black Horse) and Taiyoonihí (Squeezer) in 1905 111

Tom Torlino when he arrived at Carlisle Indian School 127

Tom Torlino after three years at Carlisle Indian School 127

Hubbell Trading Post, ca. 1890's 133

Keams Canyon Trading Post, ca. 1890 134

Group gathered at Sehílį Trading Post, ca. 1890's 136

Sam Day's Trading Post, Chinle, Arizona, ca. 1900 138

Drawing: Reproduction of old trading post tokens 140

Drawing: Example of an early chief blanket 143

Drawing: Example of a chief blanket with bars and stripes 143

Drawing: Example of a chief blanket with diamond pattern and stripes 144

Drawing: Example of a chief blanket using a variation of diamond and strip patterns 144

Drawing: Early Crystal rug 147

Drawing: Navajo Silverwork 152

Bizhoshe and three sons, ca. 1913 179

Rattlesnake oil field — 1978 199

Students at Black Rock Training School, ca. 1910 206

Students at Santa Fe Indian School 207

Buildings at Shiprock Boarding School, ca 1920-1930 212

Back view of Shiprock Boarding School, ca. 1920-1930 213

A Navajo camp 222

Erosion of Range Lands 226

Overgrazing of Range Lands 239

Group of Navajo Tribal leaders outside Council Chambers 251

Navajo man buying War Bonds 261

Teec Nos Pos Trading Post — 1949 274

Soil Erosion in the Shiprock Area — 1978 291

American Indian School of Medicine building at Shiprock 293

MAPS AND CHARTS

Routes of Kearny, Doniphan and Gilpin — 1846 6

Territory of New Mexico 1850-1861 17

Division of New Mexico Territory 17

U.S. Army posts in and adjacent to present boundaries of New Mexico. 1846-1912 19

Routes Used on "Long Walks" 46

The Bosque Redondo Reservation and Fort Sumner, ca. 1864-1868 56

Navajo Reservation in 1868 79

Railroad Land Grant Area and the Navajo Reservation 86

Navajo Reservation in 1878 89

Navajo Reservation in 1880 91

Moqui (Hopi) Reservation in 1882 98

Navajo Reservation in 1884 99

Navajo Reservation in 1892 113

Navajo Reservation 1900-1901 158

Navajo Reservation 1905-1934 163

Agency Jurisdictions on the Navajo Reservation before 1927 172

Navajo Reservation Sub-agencies Created in 1955 173

Chart: Navajo Reservation Grazing Situation — 1930 229

Chart: Animal Units and Range Capacity — 1931 229

Chart: Organization of Navajo Tribal Government — 1978 297

FOREWORD

The United States of America is blessed with having many different groups of people, each with their own cultural origins and traditons. As citizens, these groups have been made familiar with the history of the United States through the American education system.

Until recently however, little space was devoted in American history textbooks to the study of these various cultural groups. This was particularly true of the American Indian. The large number of different Indian tribes found within the United States makes it impossible for current American history textbooks to cover more than a general history of the American Indian.

The need for specific materials relating to the history of the Navajo Indian people has led to the writing of this Navajo history textbook, which covers the major areas of Navajo history from 1846 to present.

Chapter 1

THE COMING OF THE AMERICANS

High in the northern Mexican provinces of New Mexico and Arizona, among the beautiful mesas and canyonlands, the Navajo people continued their daily lives, firmly established in a cultural pattern which had grown continually for centuries. They were peacefully unaware that, far to the east, the United States, a nation growing in power and size, was set upon a course of westward expansion which would by the middle of the nineteenth century affect their lives as no other outside force had.

This westward growth by the United States had been under way long before its colonial ties with England had been broken. Following its establishment as an independent nation in 1776, the infant country continued its westward push and by 1800, the western boundaries of the nation had reached the Mississippi River. Across this wide and muddy boundary line lay the endless stretches of land claimed by France and Spain. These lands contained vast prairies and deserts, separated by lofty mountains, and stretched to the shores of the Pacific Ocean which formed the western boundary of North America.

In October 1803, the United States purchased the vast Louisiana Territory from France for fifteen million dollars, opening up new frontier lands west of the Mississippi River for further westward expansion. These raw, unsettled lands of the frontier acted as a magnet to draw white settlers in their never ending search for new and fertile lands. This lure of vast unclaimed lands to the west created a constant push westward into the Indian country of the frontier and by the first half of the nineteenth century, America's attitude and policies toward its frontier lands and their native inhabitants had become well established.

Indian tribes in the path of this westward movement found themselves with few choices. They could either stand and fight, drift before the oncoming tide, or attempt to remain and exist peacefully among the new settlers. Fighting for their lands against greater numbers and superior weapons brought only defeat in the end, while migrating before the onslaught often brought them into conflict with other tribes whose territory they sought to share. The remaining choice of sharing their ancestral lands with new arrivals also had its drawbacks. Faced with open hostility from the settlers, the clash between cultures oftentimes resulted in constant wars or the forced removal of the Indian tribes.

The idea of removing those Indian tribes who stood in the path of the western movement became a fact in 1830 when the Congress of the United

States passed the Indian Removal Act. The Indian Removal Act generally reflected the attitudes held by most Americans of this period toward the Indians. Under the act, Indian tribes such as the Cherokee, Creek, Choctaw, Chickasaw and Seminole, who made up what were known as the "Five Civilized Tribes", were ordered to move westward across the Mississippi River into the Indian Territory. These tribes had earlier chosen to try to live peacefully with the Americans, but by 1837 all except the Seminole and Cherokee tribes had been removed to the Indian Territory. The Cherokee Tribe in its attempt to get along with the Anglos, actually pursued peace to the point of adopting a constitution, creating a Cherokee alphabet and publishing its own tribal newsaper, the *Cherokee Phoenix*. However, these attempts to merge the tribal culture into that of the Anglos failed and in the winter of 1838-1839, the army escorted the Cherokee tribe over the "Trail of Tears" to a new home in the Indian Territory. Thus began a removal policy by the United States which would in years to come greatly affect all the remaining Indian tribes west of the Mississippi River, with the removal of the Indian to reservations. These areas, with definite boundaries, were created from the vast lands the Indians had once roamed freely and claimed as their own.

On to New Frontiers

It was the lure of the northern areas of the Republic of Mexico as well as the call of the Oregon Territory which set the stage for the next mighty push by Americans to claim what they cried as their "Manifest Destiny", the right to possess the lands of North America from the Atlantic to the Pacific Ocean.

The opportunity came as a result of a boundary dispute between the United States and the Republic of Mexico following the admittance of Texas as the twenty-eighth state in the Union. Texas, once a province of Mexico, had been taken from Mexico by a group of American settlers who had fought and won their independence in 1836. After establishing an independent Republic of Texas, the Texans requested annexation to the United States. This acceptance of statehood for Texas was rejected because of fear by the United States that it would be viewed as an open act of aggression by Mexico. However, by 1845, the slave states of the South, in their demands for expanded slave territory as well as the demand by American settlers for more land, brought Texas in as a state and created an atmosphere ripe for action.

A dispute over the southern border of Texas, which the United States claimed to be the Rio Grande and the Mexicans to be the Nueces River, provided the long awaited invitation for war. When the Mexican army crossed the Rio Grande to patrol the Nueces boundary, President James K. Polk, stressing that United States soil had been invaded by foreign forces, officially declared war against the Republic of Mexico on May 14, 1846.

In this one-sided war, Mexico's northern provinces which included the Navajos' homeland quickly fell under the influence of the American army. The American Army of the West, under the command of Brigadier General Stephen Watts Kearny, in an attempt to secure Mexico's northern lands for the United States, marched into Santa Fe, capitol of the New Mexico Territory in August, 1846. On August 18, General Kearny officially declared control over the citizens of New Mexico as well as all Indian tribes within the new territory. This declaration would, during the next eighteen years, involve the United States in the endless wars between the Indians and the New Mexicans.

For almost two hundred and fifty years before the arrival of Kearny's Army of the West warfare had existed, off and on, between the Navajos and the people of the New Mexican settlements. These wars were generally caused by raids, carried out by both the Navajos and the New Mexicans. The New Mexicans raided into Navajoland for slaves which were sold in both New Mexico and Mexico. Navajo women and girls were highly prized because of their weaving skills and made valuable property. The Navajos in return would raid the New Mexican settlements and ranches, taking captives and livestock. Raids for profit and revenge had become a way of life to both parties and, as a result, a constant state of war seemed to exist within the territory.

General Kearny, before his planned march to secure California for the United States, attempted to ease the tension between the Navajos and the New Mexicans. Believing that the problems in New Mexico could be solved with strong military force which would make the Indians obey the law, he issued general orders to the Indians of the territory to stop their raids upon the settlements at once. Kearny also tried to arrange peace treaties between the Navajos and the New Mexicans, sending word to the Indians to come to Santa Fe to discuss peace terms. The Navajos however, were not willing to place themselves in the hands of the New Mexicans, and they were not sure whether or not to trust the Americans. Under these circumstances, the Navajos chose to ignore the peace invitation, but they did slow down their raiding as long as Kearny's forces were in Santa Fe.

Before marching his three-hundred men of the Army of the West to California, General Kearny appointed colonel Alexander W. Doniphan as acting military commander of the New Mexico Territory. Kearny also ordered Major William Gilpin with 185 men to the Abiquiu area and another force under Colonel Congreve Jackson to the Cebolleta area. Orders were issued for military outposts to be built at these two points to act as guards against future Navajo raid along the Rio Grande. Colonel Jackson was also instructed to try to get the Navajo headmen to meet with the Americans in a peace council.

Following his arrival at the village of Cebolleta, Colonel Jackson sent Antonio Sandoval, chief of the **Diné Ana'í** to arrange a peace council between the Navajos and the Americans. The **Diné Ana'í** or Enemy Navajos, had long before broken with the main body of Navajos and had worked closely with the Spanish and later the New Mexicans. The **Diné Ana'í** often acted as guides and warriors in the New Mexicans' raids into Navajo country and were also active traders and dealers in Navajo slaves.

When Sandoval returned about ten days later, he reported that the **Diné** refused to meet with the Americans, especially at Santa Fe, preferring, they said, to meet with the "New Men" on Navajo Territory at least for the first time.[1] The Navajos knew little about these "New Men" as they called the Americans, but the New Mexicans were their enemies and were not to be trusted.

Upon Kearny's departure from Santa Fe, on September 25, 1846, the Navajos, believing that the Americans had retreated before the superior forces and strength of the Navajo warriors, started raiding again. Once again small parties of Navajo warriors dashed into settlements and isolated ranches in daring raids against the New Mexicans. When General Kearny in his march south along the Rio Grande learned of these renewed raids, he angrily advised the New Mexicans to form "war parties" of their own to march into Navajoland to recapture lost property and seek revenge against the lawless Navajos.[2]

Kearny also sent instructions to Colonel Doniphan on October 2, to mount an expedition into Navajo country. The purpose of this expedition was not to fight, but to try to make peace with the tribe and seek the release of Mexican prisoners and the return of stolen livestock which the Navajos had taken in their earlier raids against the New Mexicans.

Into Navajo Country

Colonel Doniphan, upon receiving Kearny's orders on October 6, immediately set about to carry them out. He ordered Major Gilpin and Colonel Jackson to prepare for an expedition into Navajoland to find the Diné, scout their lands, and attempt to bring peace between them and the New Mexicans. If peace efforts failed, Doniphan instructed Jackson to begin a forceful campaign against the Navajos.

Meeting at Ojo del Oso

The refusal of the Navajos to come to Santa Fe and the new orders from Colonel Doniphan left Jackson little choice but to order Captain John W.

Reid, on October 20, to proceed with a small force into Navajoland to persuade the Navajos to meet for a peace council. Reid, with John Thomas an English-Spanish interpreter and Sandoval as Navajo-Spanish interpreter, and a volunteer force of thirty men, marched into Navajoland to the Laguna Colorado or Red Lake area.[3]

Here in a pleasant grass covered valley, with its natural springs held sacred by the Navajos, the Americans met with a band of the **Diné** led by Narbona, an elderly and highly respected headman. Following a brief meeting with Captain Reid, Narbona sent word to other Navajo headmen to come to Ojo del Oso to meet with the "new men".

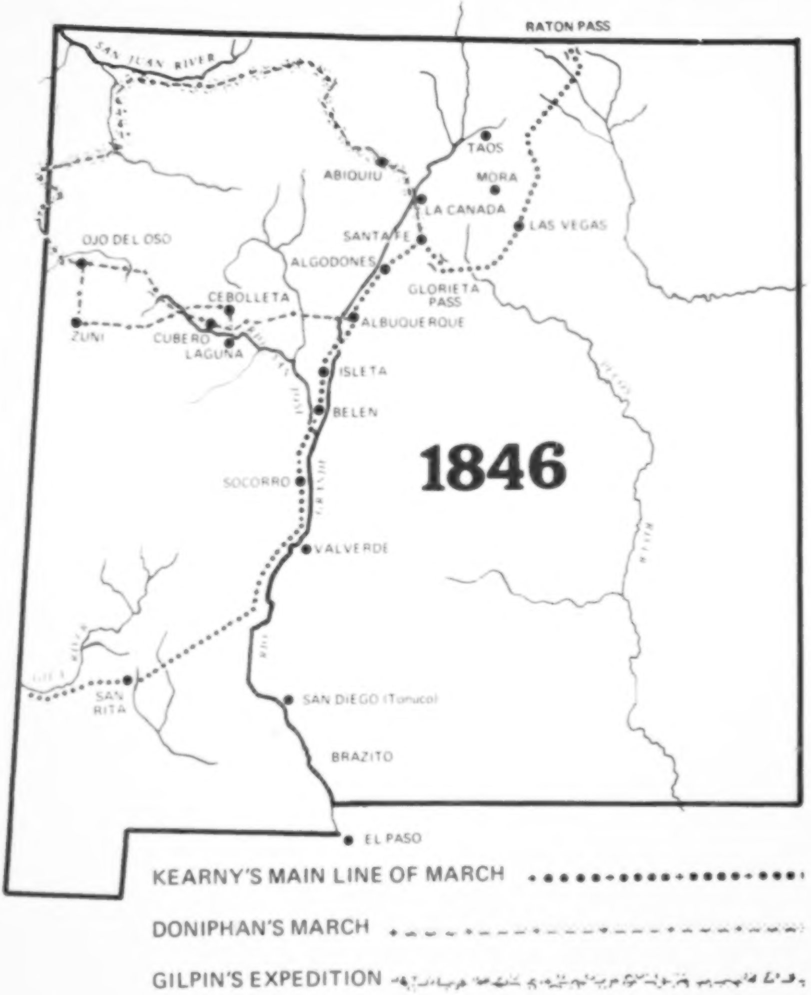
The council between Reid and the Navajos ended with the Navajos agreeing to go to Santa Fe to discuss a peace settlement. The first meeting between the Navajos and the "new men", despite the objections made by some Navajos that the Americans were no different from the New Mexicans, left definite impressions on both sides. Many Navajos had now seen their first white man, and the Americans were very impressed by their first contact with the Navajos.

John Hughes, a member of Reid's party, wrote of the Navajos as being "the most powerful civilized tribe in the west".[4] Part of this observation may have come as a result of the display staged by the Navajos as the meeting was about to end. At that time Captain Reid and his thirty men were treated to a display of Navajo skill and force. Jacob S. Robinson, a member of the expedition, described this display, stating that,

> The plain was covered with . . . mounted warriors, with feathers streaming in the wind, their arms raised as for conflict; and in the midst of these scenes they indulged in the wild Indian yell, or shout of triumph, as they succeed in capturing their prey. It was a sight unequalled in display of horsemanship; and can be seen no where but in the wild mountains and plains of the west.[5]

Pleased with the results of their first meeting with the Navajos, the Americans withdrew and after suffering from severely cold weather on their return march, arrived back at Colonel Jackson's camp near Cubero.

Meanwhile, instead of waiting for the Navajos' promised visit to Santa Fe, Colonel Doniphan ordered Major Gilpin to enter Navajoland on October 22, 1846. Gilpin's forces marched to the Rio San Juan and then down into the Tunicha mountains. While on the later stages of his march, Gilpin received orders to re-route his expedition to Ojo del Oso, where he was to meet with another force headed by Doniphan and Jackson. Colonel Doniphan had decided to travel to the area to arrange a peace treaty with the Navajos rather than wait for them to come to Santa Fe.


RATON PASS
SAN JUAN RIVER
TAOS
ABIQUIU
MORA
LA CANADA
LAS VEGAS
SANTA FE
OJO DEL OSO
ALGODONES
GLORIETA PASS
CEBOLLETA
ALBUQUERQUE
ZUNI
CUBERO
LAGUNA
ISLETA
BELEN
1846
SOCORRO
VALVERDE
GILA RIVER
SAN RITA
SAN DIEGO (Tonuco)
BRAZITO
EL PASO
KEARNY'S MAIN LINE OF MARCH
DONIPHAN'S MARCH
GILPIN'S EXPEDITION

Routes taken in 1846 by General Stephen Watts Kearny in his march through the New Mexico Territory and Colonel Alexander Doniphan and Major William Gilpin in their expeditions into Navajoland.

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The Treaty of Ojo del Oso

At Ojo del Oso, Colonel Doniphan's force of 180 men met with the Navajos who numbered about five hundred and began the delicate work of creating a peace treaty which hopefully would benefit both sides. Using Antonio Sandoval of the **Diné Ana'í** as interpreter, Doniphan attacked the basic problem of raids between the Navajos and the New Mexicans.

Doniphan clearly stated the position of the Americans. He pointed out that his government wanted to live peacefully with the Navajos and at the same time protect them from the raids of the New Mexicans. This could be accomplished only if the Navajos themselves stopped their raiding parties from attacking the New Mexican settlements. Should the **Diné** insist on continuing their raids, there would be no choice left to the Americans but to start a war against them.

The Navajos listened to Colonel Doniphan's statements before Zarcillos Largos, Long Earrings, answered for the Navajos:

> Americans! You have a strange cause for war against the Navajos. We have waged war against the New Mexicans for many years. We have plundered their villages and killed many of their people. You have lately commenced a war against the same people. You are powerful. You have great guns and many brave soldiers. You have therefore conquered them, the very same thing we have been attempting to do for so many years. You now turn upon us for attempting to do what you have done yourselves. We cannot see why you have cause of quarrel with us for fighting the New Mexicans on the west, while you do the same on the east.
>
> . . . Look how matters stand, this is our war. We have more right to complain of you for interferring in our war, than you to quarrel with us for continuing a war we have begun long before you got here. If you will act justly, you will allow us to settle our own differences.[6]

Following the interpretation of the Navajo position by Sandoval, Colonel Doniphan carefully explained that the New Mexicans were no longer considered to be enemies of the United States. Instead, he stated, they were now under the protection of United States troops.

To the Navajos this appeared strange. An enemy was an enemy, not one you fought and then protected. The first major cultural difference had arisen. The Navajos, however, wanted no war with these "new men" and were willing to accept this complicated situation. Zarcillos Largos effectively smoothed the problem over by stating,

> If New Mexico be really in your possession, and it be the intention of your government to hold it, we will cease our depredations, and refrain from future wars . . . Let there be peace between us.

An agreement had been reached and a treaty was duly signed by eleven Navajo headmen on November 22, 1846. The treaty called for a lasting peace between the Navajos and the Americans and provisions were made for the return of all stolen prisoners. (See Appendix A)

Unfortunately, the Treaty of Ojo del Oso did not strike at the basic problem of slaves and the slave trade which existed between the Navajos and the New Mexicans. The treaty failed to prohibit the trading in slaves or slave raiding itself and no way was provided in the treaty to enforce broken provisions. As a result, the treaty proved worthless, becoming the first of many unworkable treaties between the Navajos and the Americans.

Many of the Navajos who attended the treaty-making council were not impressed by the strength of an unknown nation far away with a capitol and government called "**Wááshinidonė**". For here at the council were only a few soldiers, surrounded by many Navajos, who were superior horsemen, hunters and warriors. What threat could these Americans be? The Navajos in the fastness and isolation of Navajoland could not understand the vast resouces of the United States, represented here by only a handful of soldiers.

The Americans, like many Navajos, left the treaty signing council with misunderstandings. While the Navajos could not comprehend the size and power of an unknown United States, neither could the Americans understand a culture they knew little about. While the Americans, led by Colonel Doniphan, felt that the Treaty of Ojo del Oso would be binding, they had no idea of Navajo political organization. They did not realize that an agreement to a treaty by a few headmen from various bands, important as they were, did not represent all the Navajos. Even if all the Navajos represented by the marks of their headmen respected the treaty, there were many other bands who were not obligated by the treaty. The fact that the Navajos had no central government—and the white man's failure to understand this—was to cause many problems and broken treaties in the Navajos' and Americans' fight for control over the northern reaches of New Mexico and Arizona.

Part of the misunderstanding was caused by the language barrier between the groups. Translating from one language to another requires a person skilled in both languages. In early translations two interpreters were usually needed. One to translate Navajo into Spanish and one to translate Spanish into English and vice-versa. James Calhoun, New Mexico Territorial Indian Agent stated in 1849, that,

> I have not found a single individual in the country who can render any one of the languages of the Pueblos or Navajos into English. They are compelled to call to their aid Spanish or

Mexican interpreters.[8]

Robert Young, in *The Role of the Navajo in the Southwestern Drama*, states that,

> Obviously the only Mexican people who knew how to speak Navajo were those who had been captives or slaves, and these hardly included men of sufficient education and sophistication to understand, much less express, in an Indian language, such concepts as the Indian policies of the United States government or the legalistic terms of a formal treaty.[9]

Whether the terms of the treaty made by Doniphan were completely understood or not would have to take second place to the changing of a way of life long established among the Navajos, that of raiding for livestock, captives and revenge.

Because the Treaty of Ojo del Oso was not aimed at the New Mexican slave traders or binding upon all the Navajos, raids between the two groups continued, causing a new force to penetrate into Navajoland in the form of the Walker Expedition. Major Robert Walker commanded the battalion of mostly re-enlisted volunteers who left Santa Fe in a less than sober condition. The expedition proceeded deep into Navajo country to Canyon de Chelly. There they quickly realized that they were in hostile country, and rapidly retreated.

The Newby Treaty

Raiding between the New Mexicans and the Navajos continued much as it had in the past, leading to yet another punitive military expedition into Dinétah, the Navajos' homeland. This force, led by Colonel Edward Newby, the new military commander who had replaced Colonel Doniphan, left in May of 1848 and proceeded to Monte del Cayatana, present day Beautiful Mountain, near Sanostee, New Mexico. Here, nine days later, Colonel Newby met with several Navajo head men including Narbona, Zarcillos Largos, Jose Largo and Chapitone. A new treaty was made which called for the return of all prisoners that were being held by both the Navajos and the people of New Mexico. The return of captives was to be complete, regardless of the number held by each side.[10]

The usual treaty section calling for the return of stolen livestock was left out of the treaty, as Colonel Newby felt that this would never be accomplished. However, the Navajos were directed to turn over 300 sheep and 100 mules to help pay for the cost of the expedition. Again the Americans felt that the treaty would be binding upon the Navajos as well as the New Mexicans. Colonel Newby rashly promised the Navajos that he would see that the New Mexicans respected the treaty. The Newby Treaty was later forwarded to the United States Senate, but the Senate refused to ratify it. (See Appendix B)

Despite Colonel Newby's promise regarding the New Mexicans, they continued raiding for slaves into Navajoland and after about eight months of observing the treaty, the Navajos themselves broke loose and began new raids upon the settlements and ranches of the New Mexicans. Two treaties had now been made, but nothing had been accomplished in settling the war-like atmosphere which continued to exist in the New Mexico Territory.

Footnotes

[1] Frank McNitt, *Navajo Wars* (Albuquerque: University of New Mexico Press, 1971), p. 101.

[2] *Ibid.*, p. 105, n. 16.

[3] Robert Young, *The Role of the Navajo in the Southwestern Drama* (Gallup: The Gallup Independent, 1968), p. 29.

[4] *Ibid.*, p. 30.

[5] Lawrence Bailey, *The Long Walk* (Los Angeles: Westernlore Press, 1964), p.8.

[6] John T. Hughes, *Doniphan's Expedition, An Account of the U.S. Army Operations in the Great American Southwest* (Cincinnati: J.A. and U.P. James, 1847; rpt. Chicago: Rio Grande Press Inc, 1962), p. 187.

[7] *Ibid.*, p. 188.

[8] Young, *op. cit.*, p. 33.

[9] *Ibid.*

[10] Raymond Friday Locke, *The Book of the Navajo* (Los Angeles: Mankind Publishing Company, 1976), pp. 218-219.

Chapter 2

TREATIES AND UNREST

The war with Mexico came to an end in the spring of 1848, bringing with it several changes in the military and civilian government within the New Mexico Territory. In these changes, Lieutenant Colonel J. M. Washington was appointed to replace Colonel Newby in the joint office of military and civil governor of the territory. The new commander immediately proceeded to establish complete control over all areas of his command, including the age old problem of trying to stop Navajo raiding parties from swooping down into the New Mexican villages.

Along with changes in top government offices and in keeping with the new efforts to control the Indians, an Indian agent was appointed to be in charge of Indian affairs within the territory. The new agent, James S. Calhoun, began his work by closely cooperating with Colonel Washington. Together they planned an expedition against the Navajos to punish the Diné for their failure to stop their raiding.

The Meeting at Washington Pass

The appointment of a new military commander also brought about a new policy which reflected the territorial government's attitude toward the Indians. Colonel Washington, unlike his predecessors, Doniphan and Newby, did not think that getting along with the Navajos was part of his duties. He planned to take strong action against them and was not interested in their reasons for raiding against the New Mexicans.

The Washington Expedition, made up of 178 soldiers, 123 New Mexican volunteers and 60 Pueblo Indians, left Fort Marcy, at Santa Fe, on August 16, 1849.[1] The new attitude toward the Navajos was apparent in the makeup of the expedition. Washington had enlisted many New Mexican volunteers who were in reality slave traders who hoped to accompany the expedition in order to make a profit or to draw maps of Navajoland which could be used for future raids against the **Diné.**

As the expedition marched into Navajo country, accompanied by James L. Conklin and Antonio Sandoval as interpreters, one member of the expedition, Lieutenant James K. Simpson, became interested in the ancient ruins discovered in Chaco Canyon. Lt. Simpson spent some time exploring these ruins of the Anasazi and included his findings in the journal he was keeping of the expedition.[2]

Colonel Washington's forces marched to the Tunicha Mountains and camped at the north fork of Tunicha Creek, near the present-day Two Gray

Hills Trading Post.[3]

The expedition, following the standard practice used by military forces of the time, depended upon the invaded lands to provide the necessary food for themselves and their animals. Thus the soldiers under Washington's command freely took the ripening corn found in the Navajo fields, trampling and destroying what was not taken. The Navajos, silently watching the destruction of this vital crop which would help carry them through the long winter ahead, took no action against the soldiers in an effort to preserve peace.

Later, as several hundred Navajos gathered to meet the invading military force, Colonel Washington spoke to them about their raiding and the murders they were supposed to have committed. Washington concluded his address with the statement that it was his purpose to punish them for the murders and robberies they had committed.

Narbona, Jose Largo and Archuleta, Navajo headmen representing the gathered Diné, replied that it was not the ordinary Navajos who were committing these crimes. There were, they said, certain lawless men, ladrones or thieves, among them. These few men, not all the Navajos, should be punished. All the other Diné however, wanted peace and they were willing to make some payment to keep on good terms with the Americans. They would therefore, give back or replace the livestock that had been stolen.

At the council held the next day, Colonel Washington, through his interpreters explained the meeting he proposed at Canyon de Chelly. He also demanded that the Navajos carry out the terms of the earlier Newby Treaty as well as the new demand that the Navajos recognize the right of the United States to build whatever forts they felt necessary in Navajoland. In return, Washington stated, the Navajos would receive axes, blankets and other goods. This offer of machine-made blankets to a people widely recognized by the inhabitants of the New Mexico Territory as among the finest weavers to be found anywhere, clearly showed both Washington's and the new Indian agent's lack of knowledge about the Navajo people.

Part of these actual proceedings were recorded in the Journal of Lt. Simpson. In this Journal, Lt. Simpson related the following dialogue between the Americans and the Navajos through the use of an interpreter.

Colonel Washington: Tell them that I wish them to go to Chelly, so that a treaty may be made with the whole nation. Tell them the treaty I wish to make with them is to establish the conditions they promised yesterday to comply with. Tell them the treaty I propose to make with them will be based upon the demands I have already made; and the object, in addition, will be a permanent peace.

Mr. Calhoun: Tell them they are lawfully in the jurisdiction of the United States, and they must respect that jurisdiction.

Interpreter: They say they understand it.

Mr. Calhoun: Tell them that after the treaty is made, their friends will be the friends of the United States, and their enemies, the enemies of the United States. Tell them when any difficulty occurs between them and any other nation, by appealing to the United States they may get redress.

Are they willing to be at peace with all the friends of the United States?

Interpreter: They say they are willing.

Mr. Calhoun: Tell them that by the treaty which it is proposed to make with them, all trade between themselves and other nations will be recognized as under regulations to be prescribed by the United States.

Colonel Washington: And the object of this is to prevent their being imposed upon by bad men.

Interpreter: They understand it, and are content.

Mr. Calhoun: Tell them if any wrong is done them by a citizen of the United States, or by a Mexican, he or they shall be punished by the United States, as if the wrong had been done by a citizen of the United States, and on a citizen of the United States.

Interpreter: They say they understand it, and it is all right.

Mr. Calhoun: That the people of the United States shall go in and out of their country without molestation, under such regulations as shall be prescribed by the United States.

Interpreter: They say they will.

Mr. Calhoun: For and in consideration of all this, and a faithful performance of the treaty, the government of the United States will, from time to time, make them presents, such as axes, hoes, and other farming utensils, blankets, etc..

Interpreter: They say it is all right.[5]

After listening to the plans for the proposed meeting at Canyon de Chelly and the demands of the Americans, Narbona and Jose Largo asked that they be allowed to send others in their place to Canyon de Chelly. They were, they said, old men and did not feel that they could make the trip or be of any benefit to the proposed council. An agreement was soon reached that Armijo and Pedro Jose would replace the two elderly headmen.

The Navajos then presented their side. When, they asked, would the New Mexicans carry out their part of the Newby Treaty? When would they return the Navajo captives and livestock taken from the Diné? The Navajos also asked that the soldiers be made to stop destroying the crops so necessary for Navajo existence. Without these crops, many hardships would befall the people during the long winter months ahead.

Death of Narbona

Following this last meeting an unfortunate incident took place that was to further destroy Navajo-American relations. As Sandoval interpreted Colonel Washington's last statements to the assembled Navajos, a New Mexican volunteer saw a horse which he said had been stolen recently. Colonel Washington immediately ordered his men to seize the horse. The Navajos were mounted and as the soldiers approached them, they turned and fled. Washington then ordered the troops to open fire on the Navajos. The Navajos retreated before this barrage. As they fled, they broke into small groups and began to return the soldiers' fire, failing however to kill any of Washington's men. The soldiers, following their commander's orders, then turned a field gun on the retreating Navajos and continued to fire upon them as well as pursuing them on horseback.[6]

Six Navajo men, including the elderly Narbona, fell mortally wounded. A trophy hunter then rushed forward and ripped the shoulder length white hair and scalp from the dead headman.[7] The death of the highly respected Narbona helped end any chances of true peace between the Navajos and the Americans. Now the Americans would be looked upon with the same mistrust the Navajos had earlier reserved for the New Mexicans.

Colonel Washington however had no regrets about Narbona's death. Although Narbona was widely known as a "man of peace" and had tried to work toward this goal with the Americans, Colonel Washington referred to him after his death as the "scourge of the people of New Mexico for the past thirty years".[8]

The Washington Treaty of 1849

The news of Narbona's death spread quickly as the Washington Expedition continued its march toward the traditional Navajo stronghold of Canyon de Chelly. As the force crossed through the mountains at **T'iis Skaad Ch'e'ní lį́**, or Cottonwood Pass, later named Washington Pass by Lt. Simpson in honor of Colonel Washington, a ripple of fear and anger began to sweep across the mesa lands. Two important headmen, Zarcillos Largos, a friend of Narbona's, and Manuelito, Narbona's son-in-law, refused now to attend the Canyon de Chelly meeting. The Americans had wantonly killed a much respected man. They had also failed to keep their promise to make the New Mexicans return Navajo captives or stop their slave raids into Navajoland.

As Washington pushed toward the western entrance of Canyon de Chelly, these ripples grew larger and larger. Unrest, suspicion, and fear had come to the Navajos' home territory.

By September 6, the soldiers were in the canyon and two Navajo headmen, Mariano Martinez and Chapitone were brought in by the

Sandoval. Colonel Washington again displayed his lack of knowledge of Navajo affairs, mistaking these two headmen for men of greater importance than they really were. As a result of this mistake, negotiations were soon underway to prepare a treaty.

On September 9, 1849, the treaty council ended when the two Navajo headmen placed their marks upon a new treaty of peace between the Navajos and the United States government. (See Appendix C). The treaty, later ratified by the United States Senate one year later on September 9, 1850, contained two major flaws. It made no provision for the New Mexicans to return Navajo captives and it falsely assumed that the acceptance of the treaty by two minor headmen made it binding upon all the Navajo people.

Once the treaty had been signed, the Washington Expedition withdrew from Navajoland by way of Zuni, New Mexico. On this return trip, Lt. Simpson renamed the Navajos' sacred Turqoise Mountain (**Dootł'izhi Dziił**) Mount Taylor, in honor of President Zachery Taylor. This action was to have much longer results than the new treaty just completed with the Navajos.

The lack of foresight, planning and knowledge of Navajo political organization and values, doomed the Washington Treaty from the start. Even before the American troops reached Zuni, bands of Navajos were again raiding the New Mexican settlements.

As the raiding continued between the two groups, attempts were again made to bring the hostilities to an end. The problem of slave traders posing as honest traders to the Indians caused Indian Agent Calhoun to begin efforts to weed these men out of the trading business.

Agent Calhoun felt that stopping the evil practice of dealing in Indian slaves would, in effect, stop most of the revenge raids carried out by the Navajos. Using this theory, John Munroe, the new military governor who had replaced Colonel Washington, issued a notice in November, 1849 that all further trade within Navajoland would be by traders duly licensed by the government. Unfortunately, instead of stopping the illegal slave traders and gun runners, who were supplying arms to the Indians, the notice only made them become more careful about their operations, since the slave trade was profitable enough for the traders to take the risk of continuing their illegal activities. An average Navajo boy or girl at this time was worth as much as $200 on the auction block and caused a brisk trade which resulted in thousands of Indians being held as household servants in the homes of people in the New Mexico Territory and the Republic of Mexico. Both the New Mexicans and the Diné Ana'i were engaged in the slave trade and it was profitable for both groups to work toward keeping it alive.

The slave trade remained unchecked throughout 1850, the same year that the position of Civil and Military Governor of the New Mexico Territory was divided into two separate offices. James Calhoun, the Indian agent, assumed the office of the Civil Governor of the territory while the office of Military Governor remained in the hands of the Department of War. Even though the office had been separated, it still called for the civil and military authorities to work together to carry out the job of governing the area.

On March 4, 1851, Governor Calhoun issued a proclamation to the people of the Territory of New Mexico. This notice called for the raising of volunteer civilian forces to help the military stop the increasing number of Navajo raids and to protect the New Mexico frontier settlements. The proclamation stated,

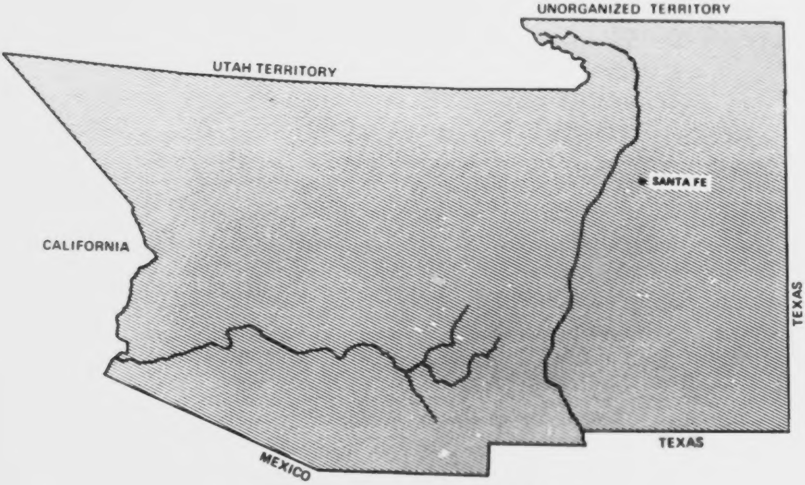
> I recommend to all able-bodied male citizens capable of bearing arms, the formation of volunteer corps to protect their families, property, and homes. As commander-in-chief (I) will commission the officers of such companies as may be raised for service against hostile Indians.[9]

The notice brought quick results and on March 18, a New Mexican, Manuel Chaves, handed Governor Calhoun a formal plan of action entitled, *Proposals to Raise Six Companies of Volunteers For an Expedition to the Navajo Country*. Chaves' plan called for six companies of 100 men each. These six companies would be equipped with government issued rifles and ammunition and 100 pack mules to help in the campaign against the Navajos. These volunteers would be subject only to the orders of Governor Calhoun and not to any officer of the United States Army. The volunteers would receive no pay except the knowledge that the Navajos had been completely defeated. However, because the volunteers would be receiving no wages from the government, they would be compensated by being allowed to keep any captives or property taken on the expedition. These "spoils of war" would then be disposed of according to the customs of the territory. These customs meant, of course, the selling of all captives as slaves. The proposal ended with a promise to pursue the Navajo Nation to its complete extermination or surrender.

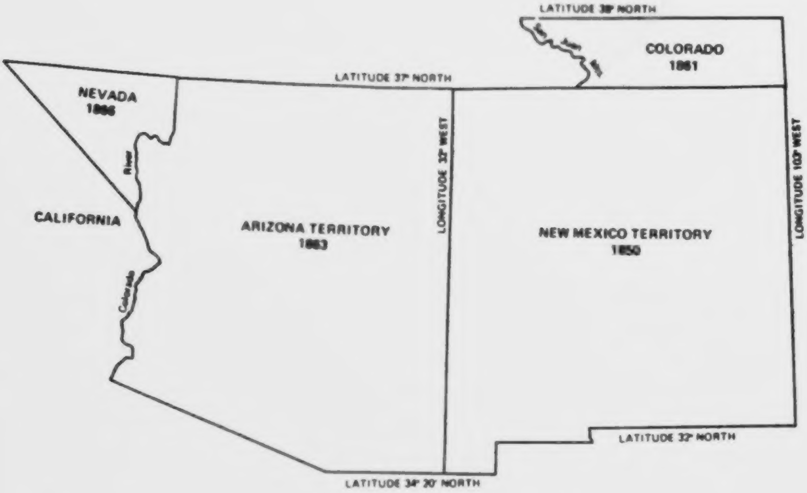
The Chaves proposal was in fact, an appeal to engage in slave trading with government approval. Acceptance of this proposal gave such approval to the trade in human beings which would last unofficially in the territory until federal authorities stopped in it 1867.

In addition to raising New Mexican volunteer forces, Governor Calhoun also tried to get help from the Pueblo Indians in his fight against the Navajos. To secure this aid, the governor issued a statement to the Pueblo Governors which called upon them to take action against the **Diné**. Calhoun told the Pueblo Governors that the

> . . . Indians who are daily marauding and robbing the people of New Mexico, in which I include your Pueblo, must be exterminated or so chastised as to prevent their coming into or near your Pueblo. For this purpose you are directed to abstain from all


UNORGANIZED TERRITORY
UTAH TERRITORY
SANTA FE
CALIFORNIA
TEXAS
TEXAS
MEXICO

TERRITORY OF NEW MEXICO 1850-1861


LATITUDE 38° NORTH
San Juan River
COLORADO
1861
LATITUDE 37° NORTH
NEVADA
1866
River
CALIFORNIA
Colorado
ARIZONA TERRITORY
1863
LONGITUDE 32° WEST
NEW MEXICO TERRITORY
1850
LONGITUDE 103° WEST
LATITUDE 32° NORTH
LATITUDE 34° 20' NORTH

DIVISION OF NEW MEXICO

New Mexico Territory following divisions made in 1861, 1863 and 1866.

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> friendly intercourse with the Navajo Indians and should they dare come into your neighborhood, you are authorized to make war upon them, and to take their animals and such property as they may have with them, and to make division of the same according to your laws and customs.[10]

It was this situation which faced the new military commander of the territory, Colonel Edwin Voss Sumner, when he replaced John Munroe on July 19, 1851. Shortly after taking office, Colonel Sumner was given a petition by Civil Governor Calhoun. This petition, signed by New Mexico citizens, requested arms and ammunition to be used by volunteer groups on their campaigns into Navajo country.

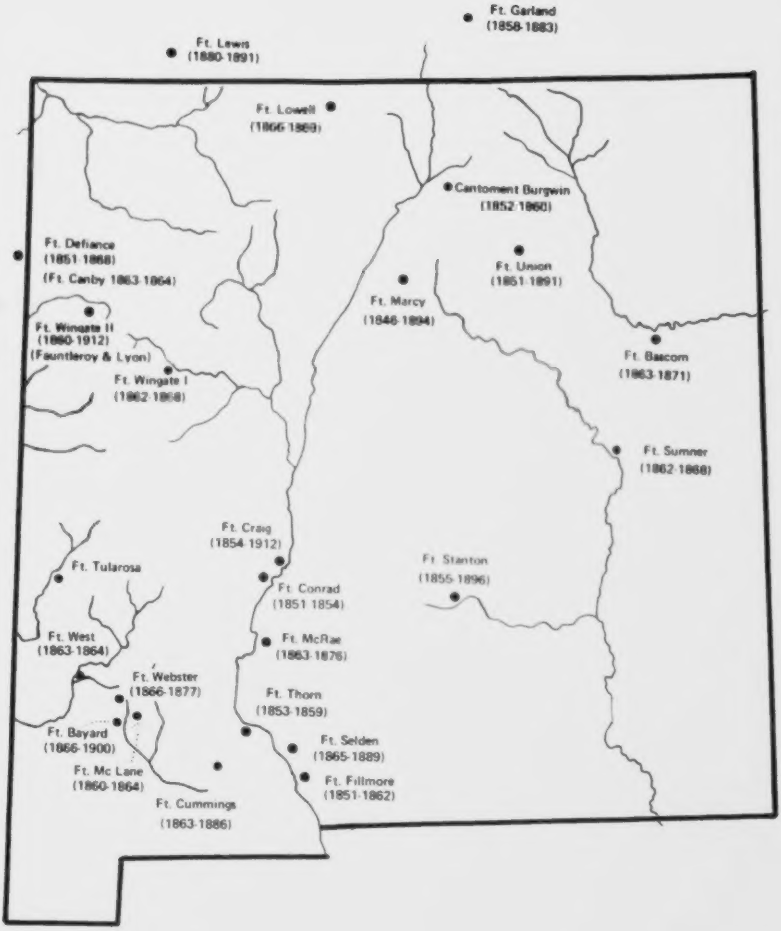
Colonel Sumner quickly refused the petition. To allow the volunteers to campaign against the Navajos would, he stated, only encourage the already rampant slave trade by the New Mexicans. This would in turn cause the Navajos to seek revenge by raiding the Rio Grande settlements. The only way that government arms could be issued to the volunteers, Colonel Sumner informed Calhoun, was if strict controls were used. These controls would require the volunteers to act only as support for regular troops and all arms issued to the volunteers would have to be returned if the military requested it.

Shortly after taking office, Colonel Sumner was directed by the War Department in Washington D.C. to build a series of forts within the boundaries of Navajoland. The building of these forts, which was provided for under the Washington Treaty of 1849, meant the beginning of a new campaign against the **Diné**.

The goal of this new military campaign into Navajoland was to be the traditional Navajo stronghold of Canyon de Chelly. Colonel Sumner took to the field against the Navajos in mid-August 1851. A short time later the expedition arrived at Cañon Bonito, an old Navajo meeting place. This area, called **Tséé hootsói** (meadow in the rocks) by the Navajos, was located about six miles north of present-day Window Rock, Arizona.

Before continuing his march to Canyon de Chelly, Colonel Sumner sent a messenger to call all Navajo headmen to a meeting to be held upon his arrival at the canyon. He also ordered Major Electus Backus to remain at Cañon Bonito with a small force to build a fort. Sumner left instructions for Major Backus to treat the Navajos with "utmost vigor" until they showed a willingness to remain at peace. If the presence of a new fort and the soldiers failed to accomplish this, then the next step would be to completely exterminate the Navajos.[11]

Major Backus and his men soon erected a small fort which was named "Fort Defiance" because of its bold location well within the Navajo country and in an area well known and often visited by a large number of Navajos. This fort, later called "Hell's Gate" by the soldiers who served there, became-


Ft. Garland
(1858-1883)
Ft. Lewis
(1880-1891)
Ft. Lowell
(1866-1869)
Cantonment Burgwin
(1852-1860)
Ft. Defiance
(1851-1868)
(Ft. Canby 1863-1864)
Ft. Union
(1851-1891)
Ft. Marcy
(1846-1894)
Ft. Wingate II
(1868-1912)
(Fauntleroy & Lyon)
Ft. Wingate I
(1862-1868)
Ft. Bascom
(1863-1871)
Ft. Sumner
(1862-1868)
Ft. Craig
(1854-1912)
Ft. Tularosa
Ft. Stanton
(1855-1896)
Ft. Conrad
(1851-1854)
Ft. West
(1863-1864)
Ft. McRae
(1863-1876)
Ft. Webster
(1866-1877)
Ft. Thorn
(1853-1859)
Ft. Bayard
(1866-1900)
Ft. Selden
(1865-1889)
Ft. Mc Lane
(1860-1864)
Ft. Fillmore
(1851-1862)
Ft. Cummings
(1863-1886)

U.S. Army posts within and adjacent to the present boundaries of New Mexico, 1846-1912.

Source: *Beck and Haase, Historical Atlas of New Mexico, p.35.*

the first fort built as a check against Navajo raiding parties. To the Navajos, however, the fort acted as a symbol and frustrating reminder of the presence of the United States troops upon Navajo soil.

The main military force under Colonel Sumner reached Canyon de Chelly and marched about twelve to fourteen miles into the Navajo stronghold before turning back. The expedition itself accomplished little, but the building of Fort Defiance had a restraining effect on many hostile Navajos for some time.[12]

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Because the military and civil governments of the territory were at odds with one another during this time, Colonel Sumner continued to refuse government arms for Governor Calhoun's volunteers. The military commander even refused an order from the Department of War to allow an Indian agent to be sent with military expeditions into Navajo country. Even Governor Calhoun's request that soldiers be sent with an Indian agent to meet with the Navajos was turned down by Colonel Sumner. Thus, peace efforts were at a standstill, especially as the Navajos refused to risk coming into Santa Fe to meet with Governor Calhoun or the Indian agent. The Navajos had, earlier in the spring of 1851, made four separate pleas for peace, but the government at Santa Fe had refused to meet with them until the Navajos carried out the return of prisoners and livestock called for in the Washington Treaty.

It was the general feeling on the part of most New Mexicans and many officials of the Santa Fe government that no peace meeting should be made with the Navajos. The only answer to the Navajo problem, many felt, should be a total war, a war which would destroy the Navajos once and for all.

Governor Calhoun's requests for military aid in carrying out talks with the Navajos finally brought results. Colonel Sumner, nicknamed "Bull Head" by his troops, finally relented and a council with the Navajos was held at Jemez on December 25, 1851.

At the Jemez Council, attended by Sumner, Calhoun, and Indian Agent John Griner, the Navajos were again reminded of the terms of the Washington Treaty. Colonel Sumner promised the Navajos that strong action would be taken against them if they did not obey the treaty terms. The Navajos promised once again that they would carry out these terms, and they were presented gifts by Calhoun and Agent Griner. Colonel Sumner made no attempt to hide his disgust at this gift-giving. Action was needed, he felt, not gifts.

The next month, on January 27, 1852, a delegation of Navajos arrived in Santa Fe to deliver three captives as part of their promises at the Jemez Council and to give assurances of peace on the part of the **Diné**. They had also come to accept the return of Navajo captives. Agent Griner, who had been appointed acting Superintendent of Indian Affairs for the territory, listened as Armijo, the headman of the Chuska valley region, presented a plea from the Navajos:

> My people are all crying in the same way. Three of our chiefs now sitting before you mourn for their children, who have been taken from their homes by the Mexicans. More than 200 of our children have been carried off and we know not where they are. The Mexicans have lost but a few children in comparison with what they have stolen from us . . . From the time of Colonel Newby we have been trying to get our children back. . Eleven times have

> we given up our captives, only once have they given us ours. My people are crying for the children they have lost. Is it American justice that we must give up everything and receive nothing?[13]

Agent Griner, moved by the Navajos' position, assured them that everything possible would be done to get the Navajo captives released.

Peace efforts had been made by both sides, and with the lessening of tensions, the territory entered into a brief period of peace which also saw changes in the Santa Fe government. Governor Calhoun, forced to leave Santa Fe because of illness, was replaced by Governor William Carr Lane.

As the peace between the Navajos and the New Mexicans continued, with only minor problems arising, the work on Fort Defiance also continued. Major Henry Lane Kendrick replaced Major Backus as the commander of the new fort and relations between the soldiers at the fort and the surrounding Navajos remained good. No major warfare occurred to disturb the peace of the territory.

On June 26, 1853, two more major changes in the Santa Fe government took place. David Meriwether replaced William Lane as the civil governor of the territory and Colonel Sumner was temporarily replaced as the territory's military commander by Lieutenant Colonel Dixon Miles.

Governor Meriwether had no immediate answers for the Indian problem he had inherited, but on August 31, 1853, he expressed his views on the situation, stating:

> . . . the government must either feed and clothe these Indians to a certain extent or chastise them in a proper manner. The former has been the policy of my predecessor . . . and the latter has not been effectually tried . . . neither policy will be found to be effectual if partially carried out.[14]

Governor Meriwether had correctly summed up the government's actions toward the Indians but the Navajos themselves were still caught between the forces that wanted war and those that worked for peace. The New Mexicans constantly urged total war against the Navajos, a war to punish the **Diné** for the same raiding practices many New Mexicans were engaged in.

Those who opposed war with the Indians felt that peace could be kept by an effective Indian agent who would work for the best interest of both the Navajos and the New Mexicans. This occured on May 7, 1853, when Henry L. Dodge accepted the post of Navajo Agent. Dodge, following instructions from his superiors, set up his agency near the eastern approach to Washington Pass, above Sheep Springs, and became the first civil agent to actually live among the Navajos he was to serve.

Agent Dodge was determined to work toward the best interest of the Navajos. He got along well with the Navajos and they quickly renamed him

Bi'éé'tł'ichííʼnii, or Red Shirt, because of his habit of wearing red flannel shirts tucked into blue army pants. Headquarters for the new agency was at both Fort Defiance and Dodge's Washington Pass home. However, many claimed that the headquarters of the agent was wherever Dodge happened to be at the time.

The new agent quickly earned the respect of the Navajos and he in turn sought to represent them fairly and honestly. Dodge introduced new ways to make the lives of the Navajos easier and hired a blacksmith, George Carter, and an interpreter, Juan Anaya, who also knew the silversmithing trade. Any Navajo who wished could watch and learn new skills in these areas from these two men that Dodge had brought to Navajoland.

The Treaty of Laguna Negra

Governor Meriwether was fortunate in having Dodge as Navajo Agent, and in the summer of 1855, he instructed Dodge to pass the word to the Navajos that there would have to be another treaty. This new treaty was necessary because Congress had enacted the Indian Appropriation law which required a definite boundary to be established for a Navajo reservation. The Navajos were now to be asked to live within specified boundaries.

Laguna Negra, or Black Lake, 14 miles north of Fort Defiance, was chosen as the site for the treaty council. The Navajos were to be represented by Zarcillos Largos, appointed earlier by Governor Meriwether as spokesman for the Navajos, and the headmen, Manuelito, Barboncito and Ganado Mucho. However, at the opening of the council, Zarcillos Largos, now elderly, asked that another be chosen to act as spokesman for the Navajos and Manuelito was selected to replace him.[15]

Governor Meriwether, General John Garland, and Navajo Agent Henry L. Dodge represented the United States as the council began. The main purpose of the treaty was the establishment of fixed boundaries for the **Diné**, and when these boundaries were presented to the Navajos, Manuelito protested that too much land was being taken from his people. Much of this land, Manuelito stated, included several areas long held sacred by the Navajos. Governor Meriwether and General Garland remained firm in their choice of boundaries and Manueltio was forced to accept them. The new treaty set aside a reservation of about 7,000 square miles. This area represented only a small part of the vast area traditionally held by the **Diné**.

According to Bailey in *The Long Walk*,

> The western limits were defined as a line running approximately from the present location of the San Juan River, North of present-day Kayenta, to the confluence of Chevalon Creek and the Little Colorado River between present-day Holbrook and

Winslow, Arizona. The eastern boundary, and by far the most important, was set off by a line following the San Juan from the "Four Corners Area" to Canyon Largo, thence southwesterly to the Zuni River at a point east of the Pueblo of Zuni.[16]

The Treaty of Laguna Negra, signed by twenty-seven Navajo headmen, but never ratified by the United States Senate, was the first attempt to push the Navajos into a restricted area. (See Appendix D). The Navajos had been forced once again to accept a less than desirable treaty, just as they had with the Washington Treaty of 1849. The treaty also acted as the Navajos' first lesson in what was to become a constant attempt to take their lands, and it marked the rise of Manuelito toward the important role he would later play in the history of the Navajo people.

Relations Strained

The following winter of 1855-1856 proved to be more severe than usual and forced many Navajos to again raid the New Mexican settlements in order to rebuild their herds and to keep from starving. In one incident, a group of young Navajos, including the son of Narbona, two sons of Archuleta and two sons-in-law of Cayetano, stole some sheep and killed three Mexican herders in a raid on a New Mexico ranchero. The Americans, angered by the fact that the Navajos were raiding again, demanded that the Diné find and deliver the guilty men so they could be punished.

In response to this demand, the Navajos chose to follow their traditional customs. They agreed only to return as many of the sheep as they could locate and repay the owner with three Mexican captives to replace those killed. The Americans refused to accept this offer and relations between the two groups began a steady decline, a decline which would eventually lead to open hostilities.

The refusal of the Americans to accept payment according to Navajo custom, caused many Navajos to join an already growing number of tribesmen who were openly hostile toward the Americans. These hostile Navajos were represented by Manuelito, who as leader of the group, declared that the Americans "were too fond of sleeping, eating, and drinking, and had white eyes and could not see the road to catch the Navajos".[17]

As the split between the Navajos and Americans widened, the one man who might have prevented open warfare between the two groups was killed. Agent Henry L. Dodge met an unfortunate death at the hands of the Apaches while on a hunting trip south of Zuni. Dodge's remains were not discovered until a year later, in 1856, and they were returned to Fort Defiance for burial.

Peace could not last for long under these conditions of misunderstanding and distrust. An uneasy truce desended over the territory and minor incidents always held the possibility of destroying the fragile balance between peace and open warfare.

Footnotes

[1] Raymond Friday Locke, *The Book of the Navajo* (Los Angeles: Mankind Publishing Company, 1976), p. 240.

[2] Frank McNitt, *Navajo Wars* (Albuquerque: University of New Mexico Press, 1972), pp. 140-141.

[3] *Ibid.*, p. 143.

[4] *Ibid.*

[5] Frank McNitt, ed., *Navaho Expedition* (Norman: University of Oklahoma Press, 1964), pp. 65-67.

[6] McNitt, *Navajo Wars, op. cit.*, p. 145.

[7] *Ibid.*

[8] *Ibid.*, p. 146.

[9] Marc Simmons, *Little Lion of the Southwest* (Chicago: Sage Books, 1973), p. 123.

[10] Lawrence Bailey, *The Long Walk* (Los Angeles: Westernlore Press, 1964), p. 28.

[11] McNitt, *Navajo Wars, op. cit.*, p. 199.

[12] *Ibid.*, p. 198.

[13] Bailey, *op. cit.*, p. 44.

[14] *Ibid.*, pp. 53-54.

[15] Gerald Thompson, *The Army and the Navajo* (Tucson: University of Arizona Press, 1976), p. 6.

[16] Bailey, *op. cit.*, p. 69.

[17] *Ibid.*, pp. 178-279.

Chapter 3

TROUBLED TIMES

The Trouble at Fort Defiance

In the early summer of 1858, problems arose again between the Navajos and the Americans, this time over grazing rights near Fort Defiance. A provision had been included in the Treaty of Laguna Negra which allowed the post to use the haying lands around the fort. The Navajos had agreed to this provision at the time the treaty had been made, but a severe drought had occurred since. Now the Navajos felt that the lands were needed by the **Diné** in order to keep their livestock from starving.

Manuelito, leader of the anti-American element among the Navajos, informed the Americans that he wished to resume using these grazing lands and that he would no longer respect the grazing provision of the Laguna Negra Treaty. "That land", he claimed, "was his when a boy, and would remain his until his death".[1] With this view in mind, the Navajos turned their stock onto the restricted land around Ewell's Camp, a haying site near the fort. When the soldiers found these animals, they opened fire upon the herd, killing about forty-eight head.[2]

The killing of Manuelito's cattle jolted the Navajos into action. Forming a raiding party, they attacked one of the fort's hay camps, but inflicted little damage. They had however, the satisfaction of having taken some action to revenge the killing of the cattle. Major William Thomas Brooks at the fort, unwilling to risk open warfare with the Navajos, yet feeling that some action was needed on the part of the Americans, called Zarcillos Largos to the fort. Brooks insultingly warned Zarcillos Largos that any future attacks against the Americans would prove very dangerous to the Navajos.

With this warning Major Brooks managed to add insult to injury in his dealings with the Navajos. He had succeeded, in these two incidents, in making enemies of Manuelito and Zarcillos Largos, two very important and influential Navajo leaders.

In July, another incident occurred which added to the growing hostilities. Early on the morning of July 12, a Navajo man rode into Fort Defiance and spent most of the day within its walls. Before leaving the fort late in the afternoon, the man seized his bow and plunged an arrow into the back of a Negro slave named Jim, belonging to Major Brooks. The arrow penetrated the slave's back and when he tried to pull it out, the arrow broke off near its head. The fort's surgeon was unable to save the man's life and he died four days later as a result of his wound.[3]

The reason behind the killing of Major Brooks' slave is not clear. Two theories have been recorded in the history of the incident. One was that the Navajo, angry because his wife refused to come with him to the fort, took out his anger on the slave. The other theory offered indicated that the man, angered by the killing of Manuelito's cattle, was only seeking revenge against the Americans.[5]

Whatever the reason behind the man's action, it was not as important as the results it brought. Major Brooks demanded that the Navajos locate and surrender the man who killed his slave. Zarcillos Largos was called to the fort to account for the murder. The elderly headman viewed the murder from the standpoint of Navajo common law and suggested that the murderer be forced to pay "blood money" as was the usual Navajo way in murder cases. He indicated however that the murderer had fled to parts unknown. Surely there was no hurry in settling the matter, Zarcillos Largos hinted, after all it had been six weeks since the killing of Manuelito's cattle and no settlement had been made by the Americans in that incident.[6]

Angered by Zarcillos Largo's reasoning and the fact that no other headmen would come to the fort to discuss the murder, Major Brooks issued an ultimatum to the Navajos. Twenty days were given for them to turn over the guilty man. If this was not done, war would be declared against the Navajos.[9]

During the period of waiting for the Navajos to produce the guilty man, Major Brooks was informed by Juan Lucero, a member of the Diné Ana'i; that the murderer belonged to a band of Navajos headed by Cayetano. Cayetano was Manuelito's father and a headman of great influence.

It was under these circumstances that the Navajo custom of "blood money" was followed. On September 6, four days before the twenty days were up, a report reached the fort that the murderer had been found. Unfortunately, the report concluded, the murderer had died of wounds he had received while being captured. On September 8, one day before the deadline, between three hundred and five hundred Navajos descended upon Fort Defiance bearing the body of the dead murderer. Major Brooks, suspicious of the Navajos, ordered the fort's assistant surgeon, J. Cooper McKee, to examine the body. Following the examination, McKee reported that the body had not been dead long enough for rigor mortis to set in. Thus, the Navajos' story of the man dying two days earlier could not be true. Also, the dead man appeared to be about eighteen years of age, while the man who had killed the slave was at least forty years old. The body, McKee declared, was an obvious deception.[8]

When faced with the surgeon's findings, the Navajos were bewildered. Under their customs, the wrong had been set right . . . "slave for slave, possession for possession"; what more could they do? By Navajo law the crime had been avenged and harmony had been restored. The guilty man had been

Manuelito, one of the principal Navajo leaders as he appeared in 1874.

(Photograph by Charles M. Bell, Courtesy Museum of New Mexico)

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deprived of something equal in value to what he had destroyed. Surely no good would come of physically punishing the murderer. This would not restore the dead Negro slave to life.

Unable to convince the Navajos to turn over the true murderer, and angry over the Navajos' attempt to deceive him, Major Brooks at last informed them that a state of war now existed between the Navajos and the United States.

Colonel Dixon Miles, the new commander of Fort Defiance, who had arrived just before the grazing incident which had resulted in the shooting of Manuelito's cattle, now issued an official declaration of war and orders for a campaign against the Navajos. Colonel Miles officially declared that,

> Since the arrival of the commanding officer at this post . . . sufficient time has been given the Navajo Tribe . . . to seek, secure and deliver up the murderer of Major Brooks' Negro; to atone for the insult to our flag, and the many outrages committed on our citizens. They have failed to do so; our duty remains to chastise them into obedience to the observances of our land, and after tomorrow morning the column designed by (order) No. 2 will be in readiness to march with 12 days' rations to fight these Indians wherever found.[9]

These orders, issued in a bold tone, were to eventually have only a hollow ring. The Miles Expedition to punish the Navajos failed in all but one respect that of entering and scouting the Navajo stronghold of Canyon de Chelly. In this campaign, Colonel Miles marched his troops to Canyon de Chelly and entered Monument Canyon, the southern entrance to the main canyon. Marching into this overpowering gorge, Miles' force eventually arrived at the western mouth of the canyon. They had failed to find the enemy, but they did have the distinct honor of becoming the first American troops to go completely through Canyon de Chelly.[10] The expedition returned to Fort Defiance without having fought the enemy they had so recently declared war upon.

The Bonneville Treaty of 1858

Efforts to bring the hostilities to an end were made once again by those seeking peace for the territory. A truce was arranged in November with a treaty council set for December at Fort Defiance. By December 25, 1858, a final treaty had been made between the Navajos and the United States. (See Appendix E & F).

The first clause of the Bonneville Treaty, named after the new military commander of the New Mexico Territory, General Benjamin Bonneville, proved to be the most important and far reaching for the Navajos. This clause called for a change in the eastern boundary of the Navajos' domain established by the Treaty of Laguna Negra in 1855. The boundary line was now moved still farther west, extending from Piscado Springs, near the headwaters of the Zuni River to Bear Springs, and then to Fort Defiance. From Fort Defiance the boundary ran directly to Chaco Canyon, then to the junction of the Rio Tunicha and the Rio San Juan. The treaty had taken one-third of the eastern portion of Navajoland. This eastern section contained some of the richest grazing lands held by the Navajos and it had long been desired by New Mexican stockmen.

The terms of the Bonneville Treaty were meant to punish the Navajos for their wrong doings, not to bring about a better understanding between the two forces. The Navajos were refused all grazing rights east of the new boundary line, with the understanding that all Navajo livestock found there would either be destroyed or used as the non-Navajos who took them wished.

The treaty, like earlier ones, called for the release of captives held by the Navajos as well as the return of stolen livestock. A new provision was added which called for the Navajos to surrender all persons committing crimes against the New Mexicans. The Navajos were warned that they would be allowed to live in peace only if they obeyed the treaty articles.

At the treaty council, Herrero was appointed as the official spokesman for the Navajo Tribe. He replaced Manuelito who had, since his earlier appointment to this position, grown hostile toward the Americans. Herrero's appointment again reflected the Americans vain attempts to create a central Navajo government with a single leader. This attempt contrasted sharply with the actual Navajo practice of having many bands, each with its own headman. The only central ties which held these bands together were similar customs, language, and clan ties. This idea of a central government was as unrealistic as were the new boundaries drawn on the white man's map. The **Diné** continued to live as they always had, in scattered groups across their traditional lands.

Samuel Yost, the man who had replaced Henry Dodge as Indian Agent at Fort Defiance, wrote that the treaty "was an obvious landgrab, clothed in a thin veil of legality. Its terms would require the Navajos to abandon cultivation of the soil and stock raising and become pensioners".[11]

The new treaty meant little to many of the younger Navajos who continued to raid down into the New Mexican settlements despite the peace efforts of Zarcillos Largos and Ganado Mucho. These raids prompted Henry Connelly, a former Albuquerque merchant and the new civilian governor of the territory, to call for a war of total extermination against the Navajos. He felt that the Navajos must be dealt with severely because of their failure to follow the terms of the Bonneville Treaty.

The call to war resulted in an unsuccessful expedition being taken into Navajoland by Major John Smith Simpson. The Simpson Expedition was charged with enforcing the treaty articles about returning livestock and captives. The expedition met with only failures. No livestock or captives were returned and the Navajo raids increased and were more daring. These raids were returned by the New Mexicans and war, it seemed, would soon become more than just a possibility. By 1860, the Navajos were ready for war. War leaders constantly argued for war and convinced many Navajos that the time had finally come to drive the white man from their country.

As the New Mexico Territory again slipped into a full scale Indian war, the military commander, Colonel Thomas T. Fauntleroy took no action to stop it. This lack of action allowed the New Mexican volunteer groups, along with the Utes, to step up their raids against the Navajos.

Action finally came when orders were given on August 31, 1860, to build a new outpost at Ojo del Oso. Soldiers were withdrawn from Fort Defiance to work on the new post which was to be named Fort Fauntleroy, in honor of the military commander of the territory.

The Navajos, ever present and ever watchful, saw the soldiers being withdrawn from Fort Defiance. They carefully planned their attack against the fort, and on the morning of April 30, 1860, they struck. Releasing their built up hatred against this symbol of United States military power, about a thousand Navajo warriors attacked the fort in the early hours of dawn. They almost succeeded in taking the fort but the initial drive weakened and finally collapsed.[12] The Navajos' surprise attack on Fort Defiance had now opened the gates to a new war which would sweep across the territory.

Following this open attack on Fort Defiance, the military started a drive to prepare for war against the Navajos, a war which, they angrily announced, would have visible results this time. The new campaign was led by Brevet Lt. Colonel Edward Sprigg Canby. Canby's forces began preparing for the expedition at Fort Defiance while other forces were heading to Fort Fauntleroy at Ojo del Oso.

As the military prepared for war, New Mexican volunteer groups took this opportunity to raid into Navajoland for revenge and captives. Zarcillos Largos, the highly respected headman who had counseled for peace before the attack on Fort Defiance, was ambushed and killed by New Mexican and Zuni raiders near Sagebrush Springs, south of Klagetoh. The volunteers showed no mercy toward the Navajos. They openly murdered scores of people and took women and children captives. With their new slaves closely guarded against escape or rescue, the raiders, with captives and livestock, headed back to the settlements to dispose of the slaves.

By late September, Colonel Canby's forces were ready to march against the Navajos. The American troops, following a plan of attack that had the full support of the Secretary of War, were gathered by Colonel Canby at Fort Defiance. Here they were broken into three columns. These columns were to fan out across Navajoland and pursue the Indians until they were defeated.

Colonel Canby's forces were now ready to march into a war of total destruction against the Navajos.

Canby did not agree with the use of volunteer groups, realizing that their first goal was to take captives and livestock. However, because this was total, open war against the Navajos, he had little control over their taking part in the campaign.

The basic plan worked out by Canby and his staff was to push the Navajos westward into Canyon de Chelly and there, force them to surrender. This plan, thoughtfully prepared, yet simple in its idea, soon became worthless. As the troops approached, the Navajos simply disappeared. The **Diné** faded into the familiar landscape and became invisible to the approaching soldiers.

The slave traders were more successful than the soldiers in locating the Navajos. Familiar with both the land and the ways of the **Diné**; the slavers managed in October alone to take over one hundred captives to the slave auction blocks at Santa Fe. The traders were not alone in their raiding. The Utes, long enemies of the Navajos, were also raiding the San Juan area for captives and livestock.

While the entire military campaign against the Navajos seemed to be a failure, it had definite results. Constant warfare was not the Navajo way. Time was needed for planting, harvesting and livestock care. The constant presence of American troops and New Mexican volunteers in Navajo country soon caused the **Diné** to seek peace.

The Canby Treaty of 1861

Colonel Canby and Colonel Fauntleroy were convinced by the Navajo headmen, Herrero, Armijo and Delgadito, that the Navajos were truly ready for peace, and a council was called to take place at Fort Fauntleroy.

The Navajos were represented at the treaty council by the rising war chief, Manuelito, as well as the conservative Armijo. Ganado Mucho, generally friendly with the white men, also attended the meeting along with Herrero, Barboncito, Mariano, and the son of the late Zarcillos Largos.

On February 15, 1861, the Canby Treaty was signed by 47 Navajo headmen. (See Appendix G) The treaty contained several American mistakes. Articles were included which were quite foreign to Navajo customs and traditions. The Canby Treaty did however prove to be less strict than the earlier Bonneville Treaty, especially in setting boundaries for the Navajos. The new boundaries were drawn with the east to west dividing line at Fort Fauntleroy. This was closer to the boundaries set up in the Laguna Negra Treaty of 1855.

Colonel Canby, feeling that the Navajo people were more often the victims than the aggressors in their dealings with the New Mexicans, proposed the use of the troops from Forts Defiance and Fauntleroy to guard the borders of Navajoland from the slave traders. This idea caused many New Mexicans to step up their raids against the Navajos. These slave traders were aware that once the treaty went into effect, the soldiers patrolling the borders of Navajo country would cause a great drop in the number of slaves available to them. Few slaves, little money; it was certainly in the best interest of the slave traders to see that the Canby Treaty was not effective.

The Civil War

The outbreak of the American Civil War on April 13, 1861 tore the Union apart. The military in the New Mexico Territory found itself faced with divisions in loyalty between the North and the South. As the fighting began in the east, the New Mexican military forces found themselves being drawn into the conflict and many of these forces were withdrawn from the west and sent east to fight in the main battle areas east of the Mississippi River. These withdrawals brought about important changes in the military command within the territory.

Colonel Canby soon found himself the highest ranking Union officer in New Mexico and took charge of the military department of the territory. He formed a New Mexican regiment to protect the area from attack by Southern forces from Texas, as well as to protect the settlements from hostile Indians.

Colonel Canby placed Manuel Chaves in charge of Fort Fauntleroy which had been renamed Fort Lyon on August 8, 1861, after Colonel Fauntleroy left to join the Southern forces. The fact that Chaves was a poor choice as commander of Fort Lyon was later proven by an incident which became known as the Fort Fauntleroy Massacre.

The Fort Fauntleroy Massacre

In February 1861, Colonel Canby had recommended that food be given to those Navajos who were starving, as a way to help keep the Navajos from stealing from the New Mexican settlements and ranches. Ration days at the fort became a common part of the fort's activities, with games and horse racing as part of the day's fun. Things were to be somewhat different during the time following the September 10th ration day. Three hundred Navajos had gathered around Fort Fauntleroy waiting for a new peace council. At this time, a new Indian agent, Ramon Luna, along with Agent John Ward, came to the fort to try to arrange a new peace treaty with the Navajos. The new treaty was to replace the Canby Treaty which had not been ratified by the United States Senate.[13]

The number of Navajos at the fort increased steadily because of the proposed peace council. Although the new commander of the fort, Colonel Chaves, was known by the Navajos to be a slave trader, they strangely enough did not appear to be angry over the situation. They tried to keep peace with the troops and even surrendered four Mexican captives as well as arranging a new treaty council to be held with Agents Luna and Ward in forty days time.[14]

Following the arrangements for the new treaty council and the giving out of rations, a carnival air seemed to surround the area. On September 10, horseracing, one of the Navajos' favorite sports, began and tended to grow more and more exciting as each day passed. Races between the soldiers and the Navajos were held with the soldiers' favorite horse being a thoroughbred owned by the post's Assistant Surgeon, Finis E. Kavanaugh. As the days passed, the Kavanaugh horse won again and again against the Indian ponies, while the bets became larger and larger. The Navajos bet their blankets, jewelry and livestock, while the soldiers tended to use the fort's livestock and supplies for their bets.

Colonel Chaves allowed liquor to be sold to the Navajos, who not used to its effects, soon became more careless and bold in their betting on the races. Many ended up wagering all their rations and livestock, therefore placing their own existence in danger if they lost. On September 22, the most publicized race of the day was the third, matching Kavanaugh's thoroughbred against a horse owned by "Pistol Bullet", believed to have been Manuelito, who often went by this name.

It is at this point that again one of the many contradictions of history makes its appearance. As the race began, one account states that the rider of Kavanaugh's thoroughbred forced "Pistol Bullet's" horse off the track. The other account indicated that the Navajo horse left the track, but only because its bridle had broken or had been deliberately cut. The Navajos demanded that the race be run again, but the soldiers, flushed with victory and the winning of large bets, refused. The soldiers collected their winnings and marched victoriously back into the fort to the beats of drums and fife.

No Navajos were allowed within the fort, according to orders issued by Colonel Chaves, and when one Navajo man, upset over the results of the horserace, tried to enter the fort he was shot and killed. This brought instant reactions from other soldiers who opened fire upon the Navajos.

According to Captain Nicholas Hadt in his testimony before the Doolittle Committee in 1867,

> . . . Private Morales, who was sentinel No. 2, shot a Navajo who was attempting to enter the post and the Navajos . . . women and children ran in every direction and were shot and bayoneted. I tried my best to form the company I was first sergeant of, and succeeded in forming about 20 men, it being very hard work. I then marched

> to the east side of the post. There I saw a soldier murdering two little children and a woman.[15]

During the shooting, Colonel Chaves issued orders for the fort's howitzers to be turned on the fleeing Navajos. The short days of excitement and easy relations with the Americans had come to a bloody end. No council of peace could now be held and the ranks of those who hated and distrusted the white man grew larger as a result of that day at Fort Fauntleroy.

Footnotes

[1] Lawrence Bailey, *The Long Walk* (Los Angeles: Westernlore Press, 1964), p.24.

[2] Frank McNitt, *Navajo Wars* (Albuquerque: University of New Nexico Press, 1972), p. 230.

[3] *Ibid.*, p. 325.

[4] *Ibid.*, p. 332.

[5] *Ibid.*, p. 333.

[6] *Ibid.*, p. 326.

[7] *Ibid.*

[8] *Ibid.*, pp. 335-336.

[9] Bailey, *op. cit.*, p. 90.

[10] McNitt, *op. cit.*, p. 341.

[11] Jules Loh, *Lords of the Earth* (New York: Crowell-Collier Press, 1971), p. 95.

[12] McNitt, *op. cit.*, pp. 382-383.

[13] *Ibid.*, p. 421.

[14] Ibid., pp. 421-422.

[15] *Ibid.*, pp. 426-427.

Chapter 4

THE LAST NAVAJO WAR

Creating the Bosque Redondo Reservation

As the Civil War intensified in the eastern part of the United States, both Union and Confederate officials developed plans for control over the states and territories of the west. Control over these western areas, with their mineral and food resources, was considered of great importance by both sides. The states of Oregon and California chose to remain loyal to the Union when the war broke out, and the territories remained under the protection of federal troops just as they had before the war. These territories, however, were placed in danger of Confederate invasion as the number of U.S. troops sent to join the fighting in the east grew. These poorly protected areas, including the New Mexico Territory and its mineral rich neighbor, the state of California, became early targets for a Confederate invasion.

By 1862, Confederate forces from Texas were pushing their way up the Rio Grande. Faced with this threat by the Southern Army, Colonel Canby felt that little time or effort could be spent on the Navajo problem in the territory. The frontier forts and settlements would have to take care of their own problems. All federal troops in the territory were now needed to help stop the Confederate invasion from Texas.

The defeat of the Southern forces at Glorieta Pass in 1862 ended the threat of invasion for the territory and allowed Colonel Canby to turn his attention again toward the Navajos. However, before any plans concerning the Diné could be carried out, Canby was replaced as military commander of the territory by General James H. Carleton. General Carleton had earlier brought his "California Column" into the New Mexico Territory to help drive the Confederates from the area. He now found himself as military commander of an area free from Confederate forces. He had an army, but no enemy to fight. General Carleton did not allow this situation to exist for very long, and after reviewing the Indian problem in the territory, he took action.

Carleton began to set in motion his plans concerning the Navajos. These plans would eventually drive the Diné from their homes and send them to a strange land where suffering became common and death a relief not to be ignored. It is to General Carleton that credit is often falsely given for the idea of a reservation for the Navajos. Actually the idea of a reservation for the Diné had started with Colonel Canby and only reflected the Indian policies of the federal government during the 1860's. These federal Indian policies included military campaigns, treaties, removal, and the construction of forts in Indian country to keep the peace.

General James H. Carleton.

(Courtesy Museum of New Mexico)

Colonel Canby, before his replacement by General Carleton, worked on the idea of solving the Indian problem in the territory by moving the Navajos to several small, remote reservations. Here, far removed from settled areas, they could be instructed in agriculture and be made to become self-sufficient. While Canby conceived the idea of moving the Navajos to a reservation, General Carleton was to be the man who put the idea into action. Using

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Canby's basic reservation idea, Carleton added his own thoughts and set about to carry them out.

Carleton's first action against the Indians in the territory called for commissioning Colonel Kit Carson to launch a military drive against the Mescalero Apaches. Carleton instructed Carson to kill all Apache men found, and take all women and children to Fort Stanton as prisoners.[1] These prisoners would remain at the fort until a suitable reservation home was arranged for them.

The area finally chosen by General Carleton for the proposed Indian reservation was a point on the Pecos River known as the Bosque Redondo, or Round Grove. This site had received its name from a round grove of cottonwood trees which were scattered along the river. On November 4, 1862, General Carleton issued Special Order No. 193 which directed a board of officers to go to the Bosque Redondo and select the exact location for a new post.[2] This post would be named Fort Sumner in honor of General Edwin Voss Sumner, Carleton's former commanding officer in the New Mexico Territory.

The board of officers who inspected the area for the new fort recommended that the site be changed to the Las Vegas, New Mexico area. The Bosque Redondo Site had many good features, they stated, but the lack of good water, frequent floods, poor timber supply and its remoteness from an army depot, made the site less than perfect.[3] The board's recommendation had little effect upon General Carleton. He had chosen the Bosque Redondo as the perfect reservation and it would not be changed.

Planning the Navajo Campaign

As Colonel Kit Carson began his campaign against the Mescalero Apaches, General Carleton issued orders to Colonel Jose Francisco Chaves to move into Navajo country. Chaves was instructed to build a fort at Ojo del Gallo, about four miles south of present-day Grants, New Mexico. This new fort was to be built from the materials of old Fort Fauntleroy, now called Fort Lyon. The new fort, built from the remains of the old, was to be named Fort Wingate, in honor of Captain Benjamin Wingate who had died in the first New Mexican Civil War battle at Valverde in 1862.

While work on the new fort progressed, Colonel Kit Carson was busily pursuing the Mescalero Apaches. Those Indians not killed in the fights with the soldiers were either taken as prisoners to Fort Stanton, or fled to safety in the White Mountain area of eastern Airzona. It took Carson five months to subdue the Apaches, but on February 1, 1863, General Carleton could officially report that the Mescalero Apache problem was now at an end. Now he could turn his attention toward campaigns against the Navajo.

General Carleton had several reasons to open a new military campaign against the Diné. The Navajos were raiding again and now that the threat of a Confederate invasion of the territory was over troops were available to punish them. Pressure for a war to defeat the Navajos also came from the New Mexicans who were constantly pushing for more grazing lands in the eastern and southern parts of Navajoland. More important however, was the fact that General Carleton felt that the Navajo country might be as rich or richer in gold than California.[4] With this in mind, Carleton opposed Colonel Canby's earlier plans for setting up Indian reservations in northwestern New Mexico and northeastern Arizona. These areas might contain deposits of gold, silver and other precious metals and should not under any circumstances be set aside for Indian use.

Carleton's private reasons for wanting to remove the Diné from their homeland appeared very different from his public opinions. In his official statements regarding the Navajos, General Carleton explained that the Navajos must be taught a new way of life. To accomplish this goal, they must be removed to a new area where a fresh beginning could take place. In order to achieve this, constant pressure needed to be placed upon the Navajos by the military. The soldiers could then gather the Indians into small groups and send them to a reservation. After they had been forced from their old lands and ways of life, they would quickly forget about raiding and murdering. They would be taught new ways to make a living and as the old people died off, the young, knowing no other way, would continue to live peacefully on their reservation.[5]

The Navajos, uneasily aware that a campaign against them was being prepared, sent a delegation of eighteen headmen, led by Barboncito and Delgadito, to arrange a truce with General Carleton. Carleton however refused to discuss any peace terms with the Navajos, saying:

> . . . They could have no peace until they would give other guarantees than their word that the peace would be kept, to go home and tell their people so; that we (the army) have no faith in their promises. . . .[6]

Preparations for this new war against the Navajos now began in earnest. Colonel Kit Carson, fresh from his victorious campaign against the Mescalero Apaches, was ordered to new Fort Wingate which had been selected as the general assembly point for the upcoming Navajo Campaign. While Colonel Carson was busily making preparations for opening the war against the Navajos, General Carleton was putting the final touches on his plan of action. These plans were put into effect when Carleton issued orders to Colonel Carson to march his troops to the Pueblo Colorado in Arizona. Here, Carleton instructed Carson to build a new military post which would act as both headquarters and supply base for the Navajo campaign.

These orders officially instructed action to begin against the Navajos, and Carson was informed that the new fort was to be named Fort Canby, in honor of Colonel R. E. S. Canby, Carleton's predecessor. The Pueblo Colorado site proved to be poorly chosen, causing Colonel Carson to move his forces to old Fort Defiance. Here, the old name of Defiance was dropped in favor of Fort Canby, and the troops began the job of rebuilding the military outpost which was to act as Carson's headquarters. The Navajo campaign was now ready.

Kit Carson Prepares for War

In preparing his forces for their march against the Diné, Carson asked permission to use members of the Ute Indian Tribe as guides and trackers. Carson, as an ex-agent to the Utes, was familiar with their raids against the Navajos. He felt that the Utes were better qualified than others in hunting down and finding the Navajos in their secret hiding places in the canyons of Navajo country. The Utes, Carson knew, would show no mercy toward their traditional enemies. Carson also suggested that the Utes be partially paid for their services by letting them keep as slaves any prisoners they might capture.[7] General Carleton refused this request, but made no effort to stop New Mexican volunteer companies which began slave raids in Navajoland as the new war began.

Meanwhile, General Carleton instructed Carson to deliver a message to the Navajos:

> Say to them; Go to the Bosque Redondo or we will pursue and destroy you. We will not make peace with you on any other terms. You have deceived us too often and robbed and murdered our people too long to trust you again at large in your own country. This war shall be pursued against you if it takes years, now that we have begun, until you cease to exist or move. There can be no other talk on the subject.[8]

The basic plan of action against the Navajos was simple: pursue the Diné until they could fight no more. General Carleton wrote that,

> The troops must be kept after the Indians, not in big bodies, with military noises and smokes, and the gleam of arms by day, and fires and talk and comfortable sleep by night; but in small parties moving stealthily to their haunts and lying patiently in wait for them; or by following their tracks day after day with a fixedness of purpose that never gives up . . . An Indian is more watchful and more wary an animal than a deer. He must be hunted with skill; he cannot be blundered upon; nor will he allow his pursuers to come upon him when he know it, unless he is the stranger.[9]

Kit Carson agreed that if the Navajos could be forced to move from place to place, without a chance to grow crops, they would sooner or later have to give up. Delgadito and Barboncito, the two headmen who had earlier asked for peace, were now told by Carson that all Navajos had to come to Forts Canby or Wingate by July 20, 1863, in order to go to the new Bosque Redondo Reservation at Fort Sumner. All who did not give themselves up by this date would be at war with the United States.[10]

The plan which had worked so well against the Mescalero Apaches would now be used against the Navajos. After July 20, all men who had not surrendered were to be shot and all women and children held as captives. Crops were to be destroyed wherever found and all livestock taken were to be used by the army as they saw fit.

In order to make the members of the expedition fight harder against the Navajos, the Utes, Pueblos, **Diné Ana'í** and the New Mexican volunteers were offered a special bonus. Twenty dollars would be paid for every good horse or mule captured and a dollar a head for all sheep.

General Carleton's orders for the Navajos to surrender themselves slowly moved by word of mouth across the mesa lands. The people could not believe that they were being told to leave their homeland, a land bounded by the four sacred mountains, a land provided them by the "Mighty Ones", a home that had always belonged to the People.

By September, about four hundred of the **Diné Ana'í** from the Cebolleta area peacefully followed General Carleton's orders and allowed themselves to be taken to the Bosque Redondo Reservation where the Mescalero Apaches were also being held.

The Navajos, sensing that they were no longer safe within their traditional lands, sent a delegation to Fort Wingate to ask for peace on October 21. This pleas was rejected. The army wanted no peace with the Navajos, only total surrender or total war.

Nídahadzid dą́ą́ , "The Fearing Time"

As the fall of 1863 began to turn into bitter winter, the **Diné** began to scatter. **Nídahadzid dą́ą́** "the fearing time", had come to Navajoland. Now the enemies of the Navajos were gathering, ready to spill over into their lands to settle old scores. No one was safe.

In its flight, one Navajo band traveled as far south as present-day Elephant Butte Dam, while others fled to southern Arizona. Some sought refuge in the rough area of Navajo Mountain or went into hiding in Cateract Canyon in Arizona. A great many moved into the traditional stronghold of Canyon de Chelly, with its long history as a place of safety for the People. Too late would they relalize that the army was also familiar with Canyon de Chelly, having marched through the canyon in an earlier military expedition

Photograph of Kit Carson taken in December 1864 in St. Louis, Missouri.

(Courtesy Museum of New Mexico)

against the **Diné**.

Oral history tells that one band of fleeing Navajos met a terrible fate. Seeking safety, they went past the Hopi town of Oraibi, and were led into an ambush by the Hopis, who in killing all the men, women and children and taking their flocks, tried to make up for all wounds suffered at the hands of the Navajos.

Small groups moved from one hiding place to another. Under normal conditions they would have been able to blend into the countryside, unseen by the soldiers. This time it was different. The enemy Indian scouts and trackers were not so easily fooled as the soldiers. When the enemy approached, the women and children fled as the men tried to lure the soldiers away from

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their families and flocks. The hunt continued.

Many Navajos, trying to replace the livestock taken or destroyed by the army, raided again into the Rio Grande area. These raids were now far more dangerous than they had been in earlier times. Now the soldiers guarded the mountain passes and water holes used by the Navajo raiding parties.

As the pressure against the **Diné** increased, Colonel Carson planned a two-pronged attack against Canyon de Chelly. One force under the command of ex-Ute agent, A. W. Pheiffer, would attack the east entrance of the canyon, known today as Canyon del Muerto, while Carson, with nearly 400 men would strike at the west entrance near present-day Chinle, Arizona. As the two forces marched through the Canyon toward each other, the Navajos would be trapped between them and be forced to surrender.

On January 6, 1864, Carson's troops marched out of Fort Canby to carry out his plan of attack. Although a deep snow had fallen making it hard for the men to march, the troops kept their spirits high by singing a song written especially for the occasion:

> Come dress your ranks, many gallant souls,
> standing in a row.
> Kit Carson he is waiting to march against
> the foe,
> At night we march to Moqui, o'er lofty
> hills of snow.
> Johnny Navajo, Johnny Navajo, Oh Johnny
> Navajo.
> We'll first chastise, then civilize, bold
> Johnny Navajo.[11]

For the Navajos at Canyon de Chelly, the enemy was coming. They had been told to surrender before July 20, 1863, or be hunted down and killed. Crops had been destroyed and livestock captured. Now their turn had come at Canyon de Chelly.

Following Carson's plan of attack, Captain A. W. Pheiffer's forces reached the east entrance of the Canyon on January 11, and began their march through Canyon del Muerto the next day. Carson and his men reached the west entrance on January 12. The next day, he divided his troops, sending one part along the southern rim of the Canyon, and the other along the northern rim. The divided forces moved slowly along the Canyon rims, hoping to meet Pheiffer's troops. After marching almost to the east entrance of the Canyon, they retraced their paths only to find Pheiffer waiting for them back at their starting point at the west entrance to the Canyon. The answer was now clear, Canyons de Chelly and del Muerto were two separate places rather than one large canyon.[12]

That same night, three Navajos came into Carson's camp under a flag truce. These Navajos were warned by Carson that they must surrender both themselves and their families by the next morning or they would be hunted down and punished. Carson's warning brought results. The next morning, on January 14, about sixty starving Navajos came in as he had ordered. When these Navajos, exhausted from their long flight before the soldiers, had gathered, Carson spoke to them. Using an interpreter, Juan Anaya, Carson explained that he had not come to kill them, but to take them to Fort Canby and then on to the Bosque Redondo Reservation at Fort Sumner. Carson then released them to return to their bands. They were to collect their families and possessions and come to Fort Canby within ten days. At Fort Canby they would be gathered with others for the journey to the Bosque Redondo.[13]

In order to force other Navajos into surrendering, Carson continued his "scorched earth" policy by sending Captain Asa Carey and seventy five men back into the Canyon with instructions to march through Canyon de Chelly, draw maps and destroy the Navajo hogans and peach orchards.•[14] While the soldiers were marching through the Canyon, Colonel Carson began his own return trip to Fort Canby. He wanted to be on hand when the first of the surrendering Navajos arrived there.

With their crops destroyed, their homes burned and their livestock slaughtered or captured, the Navajos, a proud people, had been brought to their knees. Only two chòices remained, they could surrender and be taken to a reservation far from their homeland, or they could hide and try to live off the meager resources left within their lands. Whatever course they took, the power of the Diné had at last been broken.

By February, the more destitute of the Navajos began gathering at Forts Canby and Wingate. The "ricos" or rich Navajos continued to hold out as long as their flocks could be kept together. Some were lucky and managed to remain hidden during the long years of exile at the Bosque Redondo, but most would be forced to surrender and leave their homeland. They arrived at the forts, ready to begin their long journey with little or no livestock, many in rags and near starvation.

• Thompson in *The Army and The Navajo* and Kelly in *Navajo Roundup* both state that this destruction of Navajo crops and hogans did not occur until the expedition of Captain John Thompson, July, 1864.

Footnotes

[1] Lawrence Bailey, *The Long Walk* (Los Angeles: Westernlore Press, 1964), pp. 11-12.

[2] Lynn Bailey, *Bosque Redondo* (Pasadena: Socio-Technical Books, 1970), p. 17.

[3] *Ibid.*, pp. 27-28.

[4] Gerald Thompson, *The Army and the Navajo* (Tucson: University of Arizona Press, 1976), pp. 10-11.

[5] Lawrence Kelly, *Navajo Roundup* (Boulder: The Pruett Press, Inc., 1970), p. 57.

[6] *Ibid.*, p. 18.

[7] *Ibid.*, pp. 29-31.

[8] Thompsn, *op. cit.*, p. 10.
[9] Bailey, *The Long Walk*, *op. cit.*, p. 156.
[10] Kelly, *op. cit.*, p. 21.
[11] Bailey, *The Long Walk*, *op. cit.*, p. 159.
[12] Bailey, *Bosque Redondo*, *op. cit.*, pp. 51-52.
[13] Kelly, *op. cit.*, pp. 98-99.
[14] *Ibid.*

Chapter 5

“THE LONG WALK”

The Navajos, whose traditional way of life had for centuries provided a comfortable and secure existence, were now at the mercy of their enemies. Their “Long Walk” would forever remain in the hearts and minds of the People. It would remain as a means of dividing their history as occuring before or after the years spent at the Bosque Redondo Reservation.

The Trail to the Bosque Redondo

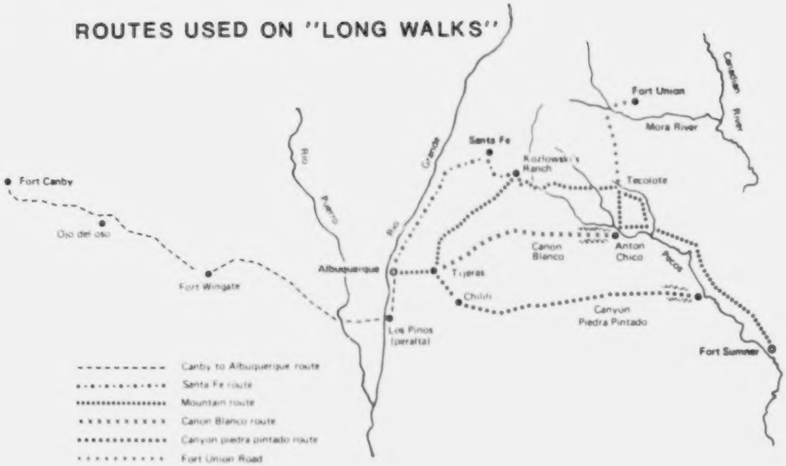
During the late summer of 1863, following Carson’s orders for the **Diné** to surrender, the first Navajos were sent to the Bosque Redondo Reservation at Fort Sumner. This first group was made up of eight Navajos, including five women and children who had been captured by Captain Pheiffer about August 6. The small group left Fort Canby and upon their arrival at Fort Wingate, 43 members of the **Diné Ana'í** were added to their number. As the small band of prisoners, totaling 51 altogether, were marched toward the Pecos River Reservation where the Mescalero Apaches had been sent earlier, General Carleton issued stern orders, “to bring the men in irons, if necessary . . . and in case any attempt to escape is made by them they will be shot down”.[1] No attempt to escape was made and the little group reached the Bosque Redondo Reservation on September 19, 1863. This small party of Navajos marked the beginning of what was later to become a great flood of exiled people, marching to a new destination far from their homeland.

As Colonel Carson’s men ravaged the crops and livestock of the Navajos, more and more of the **Diné** were forced to surrender to the army at Forts Canby and Wingate. The last Navajo war was having a definite effect.

In November 1863, another group began the march to Fort Sumner. This band, numbering 200, included Delgadito, a headman of great respectability.[2] Delgadito’s group traveled the same trail as the first little group. They followed the already established military wagon train road which connected Forts Canby, Wingate and the military depot of Los Pinos on the eastern side of the Rio Grande.

The routes followed by the captive Navajos and their army guards varied during the three-year period of “Long Walks”. From the Los Pinos depot, the earlier marchers (prior to 1864) followed what was to become known as the Sante Fe Route. This route stretched up the eastern side of the Rio Grande River before turning northeastward to Santa Fe.

General Carleton had issued strict orders that the Navajo prisoners



ROUTES USED ON "LONG WALKS"

Fort Canby
Ojo del oso
Fort Wingate
Rio Puerco
Rio Grande
Albuquerque
Los Pinos (peralta)
Santa Fe
Kozlowski's Ranch
Tijeras
Chilili
Canon Blanco
Anton Chico
Pecos
Canyon Piedra Pintado
Fort Sumner
Tecolote
Fort Union
Mora River
Canadian River
Canby to Albuquerque route
Santa Fe route
Mountain route
Canon Blanco route
Canyon piedra pintado route
Fort Union Road

were to marched through the narrow, winding streets of Sante Fe whenever possible, thus openly displaying the effectiveness of the Navajo war to the citizens of the capitol city. From Santa Fe the Navajos were then marched southward to Kozlowski's Ranch, then eastward to Tecolote and the Fort Union road. Turning northward the captives were then taken to Fort Union. From here they retraced their steps to Tecolote and moved southward to the Fort Sumner Reservation.

By 1864, the number of Navajos making this 470 mile march from Fort Canby and 370 mile march from Fort Wingate, had grown so large that General Carleton was forced to change his orders about marching the **Diné** through Santa Fe. This change of orders caused a new route to be devised. The Mountain Route now replaced the earlier Santa Fe Route. This new route branched northeastward from Albuquerque to Kozlowski's ranch, bypassing Santa Fe entirely. It then followed the earlier trail to Fort Union and eventually to the Bosque Redondo Reservation.[3] Historian Frank McNitt states that the reason the Navajos were forced to make the seventy mile side trip to Fort Union has never been fully explained.[4] However, the practice continued for some time before it was abandoned. While the Mountain Route was the most frequently used, other routes existed and were used from time to time.

Army records indicate that mule-drawn wagons were sometimes used to help carry the children, the crippled and the sick. However, this was not always the case and the majority of the Navajos walked every step of the tortuous way to Fort Sumner. Those who had horses rode, and a few "ricos", wealthy Navajos, traveled in relative comfort, mounted on horses and warmly clothed. These, however, were few in number. Most of the Navajos had been reduced to near starvation by the destruction of their crops, and,

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dressed in clothing poorly suited to both the climate and the conditions of a long march, suffered terribly.

Normal travel by military wagons averaged from fifteen to twenty miles a day, but on foot, and driving what livestock they still possessed, the Navajos could only average from twelve to thirteen miles a day.[5] The slowness of travel, the severe weather conditions faced by many columns of marchers, along with inadequate food supplies and constant harassment by New Mexico citizens, took a deadly toll on the suffering Navajos.

Records show that the Navajos were taken from their homeland in both large and small convoys. The military officers in charge of these convoys were not required at that time to keep records of these marches, but some did and from these it is possible to piece together at least part of the tragic human drama which occurred between 1863 and 1866.

One of the early groups left from Fort Canby in January 1864, under the control of Captain Joseph Berney and a fifty man military escort. This column began the march from Fort Canby with 165 Navajo men, women, and children. It grew at the Los Pinos depot to about 1,445 people, 300 to 400 sheep and goats and 200 horses. This large caravan, using the Mountain Route, reached the Bosque Redondo on March 13, where Captain Berney reported the loss of 19 prisoners. Fourteen had frozen to death, two escaped and three had been stolen by New Mexican citizens to be used as slaves.[6]

Other large groups that made the "Long Walk" would be less fortunate on their journey and the death toll would climb higher and higher.

With Kit Carson's campaign against the Navajos beginning to bear fruit, the Navajos began to arrive at Forts Canby and Wingate in increasing numbers. As their numbers grew daily around the forts, the military, aware of the hardships the People were suffering, began issuing rations to them. By the middle of February 1864 about 1,000 more Navajos gathered at Fort Canby, with more arriving each day.

Rations of flour, bacon and coffee were passed out to the people, but no instructions as to how to prepare this "foreign" type of food were given. As a result, the people ate the flour raw, or mixed it with water into a kind of mush. They tried to roast the bacon over open flames as they had cooked the meats they were familiar with. The coffee beans looked like the pinto beans with which they were familiar and they tried to cook them the same way. These beans, however, would not cook, and after throwing off the dirty water several times, they were at a total loss as to what to do next.

As a result of these conditions, 126 people died from dysentery or exposure between February 20 and March 6. The Diné were now within a culture completely different from their own. Gone were the traditional comforts and safety of their homes. They were now faced with an unknown future.

On March 4, 1864, the largest single group of Navajos to be transported to the Bosque Redondo Reservation, 2,170 people, left Fort

Canby. Captain John Thompson of the New Mexico Volunteers was in charge of the group as it began its forty-one day march through a late spring snow storm which caused untold suffering among the captives. The column of marchers grew to about 2,500 along the way, with only the children and the crippled being allowed to ride in the wagons provided by the army. The Navajos were given permission to take with them what livestock they still owned. As the march began, the column spread out, stretching from Fort Canby to the dome shaped rocks called the Haystacks, near Window Rock, Arizona, a distance of about seven miles. This great column of marching humanity eventually found itself faced with constant harassment from New Mexican citizens who stole some of their livestock.[7] This loss of livestock, however, was secondary to the suffering caused by the weather. General Carleton wrote,

> The weather was very inclement, with terrible gales of wind and heavy snow. The Indians were nearly naked; and, besides, many died from dysentery occasioned by eating too heartily of half cooked bread, made from our flour, to which they were not accustomed.[8]

One hundred and ninety-seven people, nearly one tenth of the column, failed to survive the march.[9] The route was marked by the frozen bodies of the Navajos, who, too tired or weak to keep up, had simply dropped by the wayside to die.

As the "Long Walks" continued, so did the roundup of the Navajos. On March 20, 1864, a second group of about 800 left Fort Canby for their walk of more than four hundred miles to the windswept reservation at Fort Sumner which the Navajos called **Hwéédei**; from the Spanish word furete, meaning strong place.

This column, under the command of Captain Francis McCabe and guarded by fifteen soldiers, added other prisoners along the way and finally reached a total of 982. Of this number, only 786 reached the Bosque Redondo Reservation on May 10. Of the missing Navajos, Captain McCabe reported that 110 had died and that he had,

> . . . placed as many of the women and children and old people as possible in the wagons, and had one empty wagon placed every morning under the control of the officer of the day for the purpose of traveling with the guard to receive such sick and aged Indians as might have given out . . . on the second day's march a very severe snow storm set in which lasted four days with unusual severity and occasioned great suffering amongst the Indians, many of whom were nearly naked and of course unable to withstand such a storm.[10]

In October 1864, Lieutenant Charles Hubbell was ordered to escort a group of 414 Navajos from Fort Canby to Fort Wingate where he was to leave them to be taken later with another escort to the Bosque Redondo. Lt. Hubbell's orders stated that he was to proceed with "utmost haste" in accomplishing this task. Thus began one of the most disasterous "Long Walks" to be experienced by the Diné. Hubbell, probably misunderstanding his orders, drove the column of Navajos at a killing pace. As a result, he delivered only 250 Navajos to Fort Wingate. Ten had died he reported, and the rest, not able to keep up, had strayed away or were left behind. Over a distance of about one hundred and ten miles, Hubbell managed to lose more than one-third of the people placed in his care.[11]

The drama of this particular march, however, did not end at Fort Wingate. Upon his arrival there, Lt. Hubbell was ordered to take the Navajos he had brought from Fort Canby on to the Los Pinos military depot. There he was to gather other waiting Navajos and continue on to Fort Sumner. When the column of marchers left Los Pinos, they numbered 1,073 Navajos. Fifty more people were lost on the second half of the journey. A total of 217 Navajos had died or just disappeared on this ill-fated march.[12] Another group of 95 Navajos had slipped away from the soldiers because of the continuing hardships of the march. This fact led Colonel Kit Carson to write to General Carleton that,

> I have unofficially learned that Captain McCabe lost while in route by desertion one hundred Indians, headed by a son of the late Chief "Juanico", cause, want of sufficiency to eat. I would respectfully suggest to you the propriety, and good feeling of giving the Indians while at Forts Canby and Wingate a sufficiency to eat.[13]

On each of the different "Long Walks", weather conditions, the number of people involved and the amount of livestock taken would be different. However, each group would suffer severe hardships, both physical and mental. The terrible experience of being forcefully taken from their sacred homeland to a place far away where they would be exiled for four years would forever be remembered by the **Diné**

The People Remember

At the time the "Long Walks" took place, the Navajos had no written language. Most of our knowledge of this period is based upon United States Army records or from Navajo accounts passed from one generation to another. Crawford R. Buell has collected and recorded many of these stories which are retold in the "Navajos' Long Walk" sections of *The Changing Ways of Southwestern Indians.*

According to Buell, one man **Béésh'ligaii Atsidí** related in 1927, the following account of his and his family's "long walk". **Atsidí**, about six years old at the time of the journey to Fort Sumner, told of seeing his first white man. On the trip, he stated, the women and children rode in five mule-drawn wagons. The trip took about thirty-four days from the Grand Canyon area to Fort Sumner. "There" he said, "the soldiers took us to a corral and gave each of us a blue ticket and some food. Then they told us we could make our homes in this corral."[14]

In another account, No-Mah's grandmother, from the Shiprock area, recounted the long march, saying, "we walked for many days, some of the old people fell down and died on the way. When we got to Hwelte (**Hwéédei**), we were tired and so hungry".[15]

Other accounts of the "Long Walk" period come from the Indian claims commission meeting of January 16-17, 1951. At these hearings held in Window Rock, Arizona, four Navajos, John Daw, Jeff King, John Bowman and Dougal Chee Bekis offered several insights into what had occurred during this "Long Walk" period.

John Daw, born about 1858, testified before the claims commission that his parents told him that a man would complain about getting sorefooted or tired. "The soldiers rebuffed him and said, 'he is just shamming . . . he wants to go back home'. The soldiers immediately took the liberty to shoot him. Many of them died that way."[16]

Daw also related to the commission that the military on the many trips to Fort Sumner, was not consistent in the manner of disposal of the dead. When Atsidí's mother's uncle died, the soldiers buried him. But, Daw stated, "some were killed for disobedience and when relatives of the man shot and killed on the march would ask permission to bury him, they were refused. The bodies were left to lay right on the spot where they were killed, left to be devoured by coyotes and other animals . . ." The military, Daw explained, "wanted to keep the Navajos in a group and could not hold the march up because of one Navajo who died".[17]

Jeff King, born about 1868, south of Mt. Taylor, New Mexico, when questioned about the general conditions on the march, replied that, "There was just enough food issued for the prisioners to survive. Most of the food, such as flour, was issued raw. The coffee was not roasted and the small pieces of meat were not fit for human consumption."[18]

Hardships were not just physical. The moral and psychological aspects of the "Long Walk" were discussed by some of the Navajos interviewed by the claims commission.

Jeff King was asked to recall whether the Navajos asked the soldiers why they were not given medical attention. "yes", King stated, "they pleaded with the commanding officer, 'why do you do this to us? We do not know why we are here. Why don't you do a good job if you don't want us to go back to our land? Kill us all off here.' They asked the commanding officer to do that."[19]

Dougal Chee Bekis testified that the women and children, boys and girls and even old people "had to keep up the same pace as the march was making. Some were even on crutches; when they could not go any more, they disposed of them. They did not know where they were going or why they were going."[20]

Bekis, who was born west of Fort Wingate a day or so after his family returned from **Hwéédei** continued, "They were told when they lost a child or somebody died, and the groups wanted to bury them . . . the soldiers poked guns at them and poked them ahead with the guns and said, 'you will be left behind if you do not hurry' and they left the dead lay just where they died without being buried. They were terribly frightened to the extent that they were moaning and so on. They were not riding horses, they were talking to themselves saying, 'my country, my land. I will probably die somewhere between here and the destination'. They were terribly frightened. The Navajos, Bekis testified, were never told by the military where they were going but to 'go ahead, keep on going'."[21]

Under these conditions, experiencing hardships and death, the once free and happy Navajos, referred to by author Jules Loh as the "Lords of the Earth", were taken to Fort Sumner and into exile at the Bosque Redondo Reservation.

The "Long Walks" Come to an End

By late November 1864, the number of Navajos at the Bosque Redondo was recorded at 8,570 men, women and children, the highest count during their four-year stay at Fort Sumner. Little effort was now being made by the army to round up the Navajos who had fled to the far corners of Navajoland. Instead, the men in Carson's command were almost totally employed in escorting the **Diné** to the Bosque Redondo and in providing for the stragglers who made their ways to the forts.

General Carleton in directing the removal of the Navajos had misjudged their numbers. The soon became clear that the 8,000 population he had estimated earlier was too low a figure. As the Navajos began to crowd into the reservation, provisions for their welfare began to run short. There was not enough food and other necessities of life for the number being placed at the Bosque.

This situation forced General Carleton to halt the marches at Los Pinos military depot until further notice. Because of his poor planning for supplies for the Navajos, Carleton was forced to cut the rations of the reservation population in half. Now the people were to receive only twelve ounces of grain meal and eight ounces of meat per person, per day. The Navajos, poorly fed on the grueling "walks" to **Hwéédei**, were now forced to exist on a diet that bordered upon starvation.

At the same time that the "Long Walks" were halted at the Los Pinos military depot, military operations against the **Diné** were ended in the spring and summer of 1865 by the garrison at Fort Wingate. Fort Canby had been closed earlier, on October 20, 1864. Now with the suspension of military patrols to round up the **Diné** in the Wingate area, those few Navajos left in their homeland quickly sought refuge far away from the forts. To be left behind while the rest of their people were marched to the Bosque Reservation was not as lucky as it might seem. General Carleton had given permission to the New Mexicans to campaign against the remaining Indians. In giving this permission to the New Mexicans, Carleton had informed the commander at Fort Wingate of his decision and asked him to cooperate, stating:

> If you can safely spare any ammunition you can issue some to the parties of citizens who are to make bonafide expeditions against the Navajos . . . the old Navajo country must be made too hot to hold Navajos. Tell the Zunis they shall have all (the booty) they can get from the Navajos. That we are determined to kill all the Navajo men who run away from the Bosque or who will not go there.[22]

In June 1865, conditions at the Bosque Reservation had led to a mass desertion of about 1,000 Navajos. The Navajos, who left the reservation in both large and small groups, tended to take a route back to their homes which was more direct than the ones over which they had been forced to come to the Bosque Redondo. This route, by way of Piedra Pintada Canyon, was well known to many of the **Diné**, for they had used it in their earlier raiding of the eastern territory in pre-Bosque times. The Piedra Pintada Canyon trail stretched 167 miles from the Pecos River to Albuquerque, somewhat shorter than the 230 miles they had been made to walk earlier, using the Mountain Route from Albuquerque to Kozwolski's Ranch and then to the Bosque Redondo.[23] Of the many who fled the reservation, some died, but many were forcefully returned in 1866. With General Carleton's orders to give ammunition to the New Mexicans, it was still open hunting season on the Navajos.

On December 13, the last large groups of Navajos, totaling 417, left Fort Wingate. This group used the shorter Tijeras Canyon Route to reach the Bosque Reservation, the same route the army would use later to return the people to their homeland.

In late 1866, the last great leader, Manuelito, surrendered. General Carleton had demanded earlier that Manuelito give himself up and had sent a message to him by Herrero Grande. According to Keleher in *Turmoil in New Mexico, 1845-1868*, when Herrero Grande gave Carleton's message to Manuelito about surrendering, Manuelito refused, saying:

> That he could not go to the Bosque; that his god and his mother lived in the west and he would not leave them; that there was a tradition that his people never cross the Rio Grande, the Rio San Juan or the Rio Colorado; that he also could not pass three mountains, and particularly could not leave the Chusca Mountains, his native hills; that his intention was to remain; that he was there to suffer all the consequences of war or famine; that he had now nothing to lose but his life; and that they could come and take him whenever they pleased, but he would not move; that he had never done any wrong to the Americans or Mexicans; that he had never robbed, but had lived on his own resources; that if he were killed, innocent blood would be shed.[24]

Manuelito and his band held out for fifteen months. Now, suffering from a wounded arm and with his band's numbers greatly reduced, he sent word that he would go to the Bosque Reservation. As Manuelito surrendered at Fort Wingate, the respect owed this leader was given. Unlike the other Navajos who came to the forts to surrender, Manuelito was personally greeted by the fort's commander, Captain Edmund Butler, who rode out to meet him.[25]

The same respect was not to be given to Manuelito by General Carleton, however. Carleton ordered that Manuelito was to be paraded through the streets of Santa Fe. Carleton hoped that once the Navajos heard about the hardships Manuelito had suffered while trying to remain in Navajoland, they would stop trying to return home. In October, 1866, Manuelito arrived at the Pecos reservation. In their isolated captivity, few of the imprisoned Navajos realized that the period of the "Long Walks" into exile was coming to an end.

Footnotes

[1] Frank McNitt, "The Long March: 1863-1867", *The Changing Ways of Southwestern Indians*, ed., Albert H. Schroeder (Glorieta, New Mexico: The Rio Grande Press, 1973), p. 174.

[2] *Ibid.*, p. 148.

[3] *Ibid.*, p. 149.

[4] *Ibid.*

[5] *Ibid.*, pp. 155-156.

[6] *Ibid.*, pp. 158-159.

[7] *Ibid.*, p. 159.

[8] *Ibid.*

[9] *Ibid.*, p. 163.

[10] *Ibid.*, p. 161.

[11] *Ibid.*, p. 163.

[12] *Ibid.*

[13] *Ibid.*, p. 162.

[14] Crawford R. Buell, "The Navajos 'Long Walk': Recollections by Navajos", *The Changing Ways of Southwestern Indians*, ed., Albert H. Schroeder (Glorieta, New Mexico: The Rio Grande Press, 1973), p. 179.

[15] *Ibid.*, p. 177.

[16] *Ibid.*, p. 175.

[17] *Ibid.*, pp. 175-176.

[18] *Ibid.*, p. 178.

[19] *Ibid.*

[20] *Ibid.*, p. 175.

[21] *Ibid.*, p. 179.

[22] McNitt, *op. cit.*, pp. 175-158.

[23] *Ibid.*, p. 154.

[24] William H. Keleher, *Turmoil in New Mexico, 1846-1868* (Santa Fe: The Rydal Press, 1952), p. 382.

[25] Buell, *op. cit.*, p. 165.

CHAPTER 6

AT THE BOSQUE REDONDO

The Bosque Redondo

The Bosque Reservation was located 180 miles southwest of Santa Fe, New Mexico, and five miles south of the present day city of Fort Sumner. The reservation, containing approximately forty square miles with Fort Sumner in the middle, was officially established by President Abraham Lincoln on January 15, 1864.

The Mescalero Apaches were the first Indians to be moved to the Bosque, followed by the Cebolleta band of Enemy Navajos who had voluntarily surrendered at the beginning of the war against the Navajos.

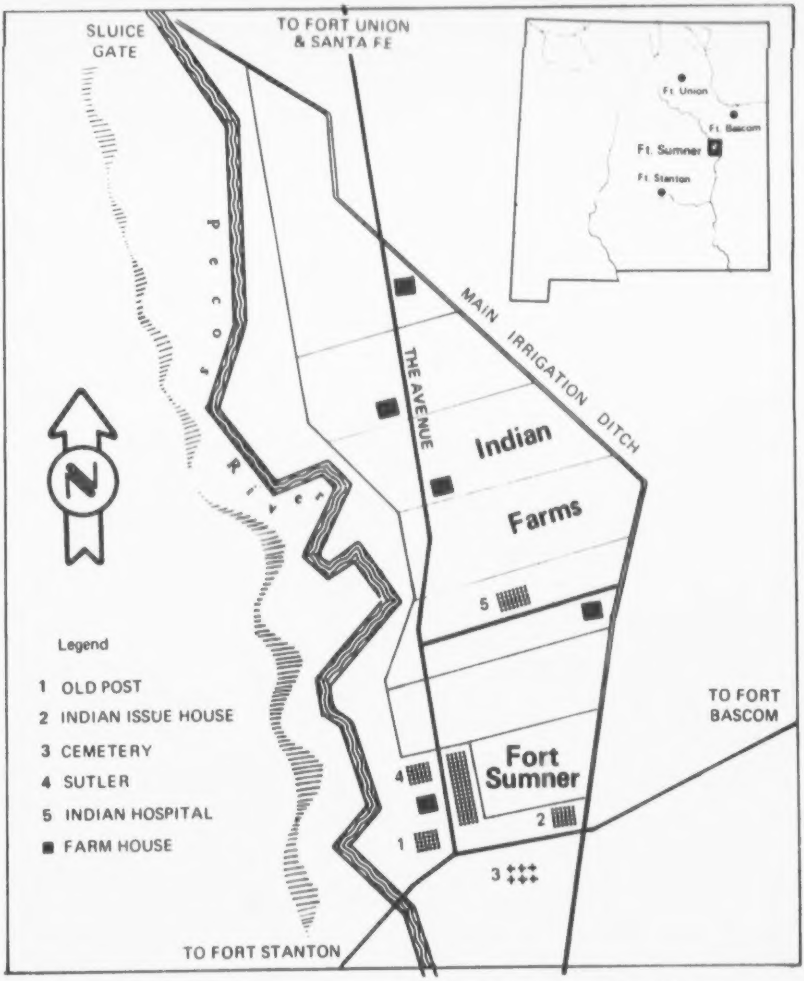
Yet, even as these first Indian groups were moved to the reservation and the roundup of the main body of Navajos began, the idea of the Bosque Redondo Reservation was being questioned. Those in favor in the Bosque argued that it was the best place for an Indian reservation. The Navajos' homeland, they argued, was too barren and mountainous to provide farm lands which would make the Navajos self-sufficient enough to stop their dependence upon livestock and raiding. Farming was the only answer to the problem, and the Bosque contained good farm lands. It would be impossible for troops to keep the Navajos on a reservation in Navajoland. Left in their own country, they would only scatter out and start raiding the New Mexicans again.

In addition to these arguments in favor of the Bosque Reservation, many people, including General Carleton felt that even if the Navajos did not become self-sufficient farmers, it was cheaper to feed them than to fight them.[1] Most important however, was the added bonus of new grazing lands which would be opened up for white settlement once the Navajos were gone and the route to Arizona was safe.

General Carleton, who had selected the Bosque site, wrote in defense of his selection, that,

> The Bosque was the best pastoral region between the two oceans. Within ten years, the Navajos would be the happiest . . . and most delightfully located pueblo of Indians in New Mexico, perhaps in the United States.[2]

The arguments against the Bosque Redondo Reservation were simple: Leave the Navajos in their own country. If the Navajos were broken into


SLUICE GATE
TO FORT UNION & SANTA FE
Ft. Union
Ft. Bascom
Ft. Sumner
Ft. Stanton
Pecos River
MAIN IRRIGATION DITCH
THE AVENUE
Indian Farms
N
Legend
1 OLD POST
2 INDIAN ISSUE HOUSE
3 CEMETERY
4 SUTLER
5 INDIAN HOSPITAL
■ FARM HOUSE
5
TO FORT BASCOM
Fort Sumner
4
2
1
3
TO FORT STANTON

The Bosque Redondo Reservation and Fort Sumner, ca. 1864-1868.

several small groups within their own country, the soldiers would be able to guard them.

The Navajos themselves were not asked what they wanted, for it is not often that the victims get to choose their own punishments. Howard Gorman in *Navajo Stories of the Long Walk Period*, expresses how the Navajos probably felt,

> They said among themselves, 'what did we do wrong? We people here didn't do any harm. We were gathered up for no reason. The

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> ones that were doing all the killing and raiding of the white men probably are still doing the same thing back home - raiding and stealing from the white men and killing. We harmless people are held here, and we want to go back to our lands right away."[3]

The military had made no provisions to shelter the thousands of Navajos that poured into Fort Sumner. As a result, General Carleton called for old condemned army tents to be used. These were not practical and the Indians were at first allowed to build brush and mud huts wherever they pleased within the reservation area. They camped over a twenty-five miles area above and below Fort Sumner, the largest group of Indians ever concentrated into one group in the history of the Southwest.

General Carleton was dismayed at this unsightly scene and drew up plans for a pueblo style village for the approximately 8,000 Navajos and 400 Mescalero Apaches, with all apartment houses facing a central plaza. Carleton described his proposed house plan, stating,

> By having a judicious site selected and the spare time of the families spent in putting up their houses, by next winter they can all be comfortably sheltered. Then to have trees planted to make shade, and I fancy there would be no Indian village in the world to compare with it in point of beauty.[4]

Carleton's plans for housing the Navajos may have seemed the perfect answer for him, but the Navajos refused to accept this way of living which went against their traditional lifestyle. This refusal, plus the idea of living too close to their old enemy, the Apaches, doomed Carleton's plans for his perfect Indian village.

Forced to change his plans, General Carleton decided to let the Navajos live in their traditional gatherings as they wished. But, Carleton insisted, the Navajos must follow some order in the building of their homes. Colonel Kit Carson was appointed to be in charge of setting up the villages according to Carleton's new plans. These plans called for ten villages on the reservation. Each village would have a headman who would be appointed by the reservation's commanding officer. These headmen would be in charge of each village and responsible for seeing that all orders given by the commanding officer to the people of the village were carried out. Sub-chiefs for the village were to be appointed on the basis of one for every 100 people. If a vacancy happened in the headman's position, it would be filled by a sub-chief, appointed by the commanding officer.

Each village was also to have an army overseer who assigned the men their farming jobs. The reservation agent was to withold rations and punish those Indians he thought were doing wrong or who refused to work. As the village plan got under way, the first Navajo headmen were appointed. Herrero Grande, Delgadito Grande, Ganado Blanco, Delgadito Chiquito, El

Barboncito, El Barbon, Narbono, Judhadore and Largo were named headmen for the Navajo villages. Cadette was appointed headman for the Mescalero Apache village.[5]

In devising this "village plan", General Carleton had finally realized what earlier government officials had not. The Navajos had no central government, but carried out their political actions through the "headman system". It was Carleton's plans to use this "headman system" in controlling the Navajos and enforcing reservation policies. While his knowledge of the Navajo "headman system" was basically correct, he failed to take into consideration the fact that the Navajos themselves selected their headmen. He also failed to understand that these headmen were not leaders who made decisions for the group. They were instead, leaders who worked with their group and acted as spokesmen for them once a group decision had been reached. In failing to understand these basic concepts of the traditional Navajo political process, Carleton made the mistake of trying to appoint the headmen, a mistake which only resulted in creating a "puppet government". This mistake of appointing spokesmen for the tribe was to be repeated in later years until the Navajos themselves began selecting their own leaders, using modern election procedures. The Navajos did not resist Carleton's plans, but quietly continued to carry out their affairs in their traditional way.

Conditions at the Bosque Redondo Reservation

As the continuing "Long Walks" brought more and more Navajos to the Bosque Redondo Reservation, the question of who had final responsibility for them arose again. The military and the Indian Affairs Commission had for a long time been at odds with one another over this matter. The Indian Affairs Commission claimed that the Navajos were the responsibility of the army. After all, it was the army that had waged war against the Indians and had collected them at the Bosque Redondo Reservation. Also, Congress had set no money aside for the Indian Affairs Commission to help care for the Navajos.

The military itself had no funds available to feed and clothe the thousands of Indians now in its care. Food and clothing would have to come from military depots or be bought with money that came from the War Department's budget, at least until Congress supplied special funds for the Navajo cause.

It was planned for the reservation's food supply to come from the farms created and tended by the Indians. This basic economic plan which called for extensive irrigation farming was still a long way off, however. First the land had to be cleared and irrigation canals and ditches dug. Then the work of planting, tending and finally harvesting could take place. All of this would take months of back-breaking work. The problem of starvation facing the Navajos because of half-rations needed immediate attention. The cutting down of rations on the reservation because of poor planning was not one-sided however; even the troops stationed at the fort in the early days were lacking in food.

The military, in order to meet the crisis it had created for itself, began contracting with civilians to supply the food and clothing needed on the reservation. In many cases, these contractors tried to profit from other peoples' miseries: They shipped contaminated food to the Bosque Redondo; flour was mixed with ground plaster and dried bread with rat droppings. In April, 1864, Major Henry Wallen, Commander at Fort Sumner, along with the post surgeon, investigated the conditions of the reservation. "The suffering, even to actual starvation," he stated, "was terrible".[6]

Economic Conditions at the Bosque

Agriculturally, the Bosque area should have produced abundant crops with irrigation, but during the entire period of Navajo imprisonment, no crops were produced to an extent that made the Navajos self-sufficient as Carleton had planned. Each year, something would happen to destroy the crops. Year by year the Navajos suffered more and more. A lack of food and clothing, along with a shortage of wood to keep their hogans warm during the winters, kept the **Diné** in a state of constant misery.

Building irrigation canals and plowing the land also caused hardships for the people. Prodded on by the army overseers, the Navajos were often forced to work in fields under harsh weather conditions. In 1865, Agent Lorenzo Labadie reported that,

> On one occasion, the plowing progressed fairly well but in February heavy snow storms stalled the work with 100 Indians dying from exposure and other effects of the cold. On February 23, another violent blizzard struck. While Navajo families struggled vainly to keep warm in their hogans, the military forced others to continue plowing. Snow fell for three days before warmer weather came. When the fields cleared, the Indians . . . returned to work.[7]

As the reservation on the Pecos River became the most important economic and political activity in the New Mexico Territory, crops at the Bosque continued to fail. These crop failures resulted in forcing the army to continue issuing contracts for food. The feeding of approximately eight thousand people called for huge amounts of foodstuffs. As the demand for needed goods increased, so did the prices charged. Government contractors

Upon their arrival at Fort Sumner the Navajos were forced to live in makeshift brush shelters.

(U.S. Army Signal Corps photo, Courtesy Museum of New Mexico)

The original army buildings at Fort Sumner.

(U.S. Army Signal Corps photo, Courtesy Museum of New Mexico)

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A group of Navajos waiting in front of the Provost Marshal's office for passes, ca. 1864-1868.

(U.S. Army Signal Corps photo, Courtesy Museum of New Mexico)

A group of Navajos waiting in front of the Issue House to receive rations.

(U.S. Signal Corps photo, Courtesy Museum of New Mexico)

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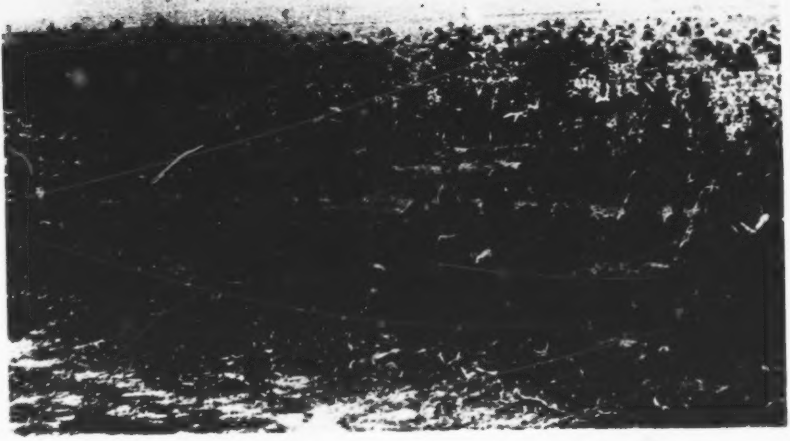
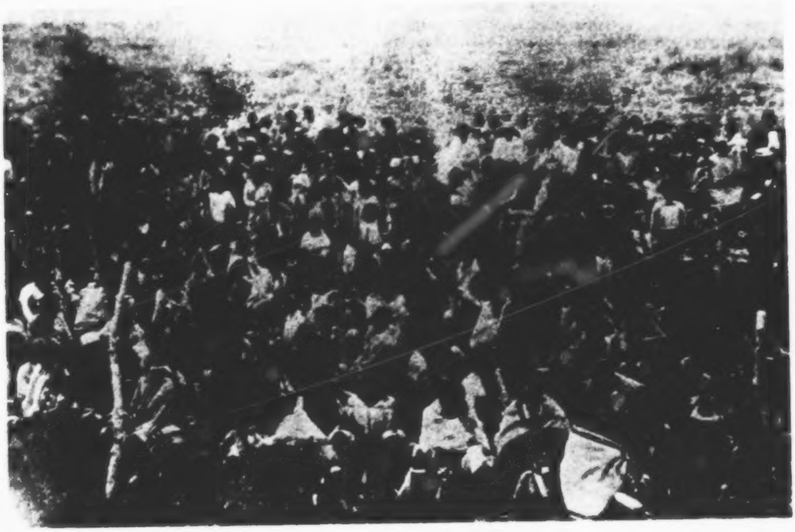


View of Navajo corn fields at the Bosque Redondo, ca. 1864-1868.

(Courtesy Museum of New Mexico)



Navajos husking corn near Fort Sumner, ca. 1864-1868.

(U.S. Army Signal Corps photo, Courtesy Museum of New Mexico)

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The Navajo adobe brick yard at the Bosque Redondo with fields in the background, ca. 1864-1868.

(U.S. Army Signal Corps photo, Courtesy Museum of New Mexico)

Adobe buildings being constructed at Fort Sumner using Indian labor, ca. 1864-1868.

(Courtesy Museum of New Mexico)

77

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Group of Navajos during the Bosque Redondo Period, ca. 1864-1868.

(U.S. Army Signal Corps photo, Courtesy Museum of New Mexico)

A group of Navajo headmen accused of counterfeiting ration tickets at Fort Sumner, ca. 1864-1868.

(Courtesy Museum of New Mexico)

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View of buildings at Fort Sumner, ca. 1864-1868.

(Courtesy Museum of New Mexico)

A group photograph of soldiers and Indians at Fort Sumner, ca. 1864-1868.

(Courtesy Museum of New Mexico)

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continued to practice graft and corruption in supplying goods to the reservation, overcharging for poor food and merchandise. Clothing issued to the Navajos was of the poorest quality. Cheap machine-made blankets were given to the people, and many Navajo women patiently unraveled these and rewove them into the warm blankets for which they were so famous.

Bosque Politics

The reservation experiment at Fort Sumner quickly became involved in politics, especially between the army and the Indian Commission over the problem of caring for the Navajos.

The basic disagreement between the Department of War and the civil authorities in the Department of the Interior soon became a very involved affair. General Carleton, as the military commander of the New Mexico Territory, held the attitude that the army had completed its job by subduing the Navajos. They had fought a war against them and had removed the tribe to a reservation where they were now peacefully pursuing a life based upon agriculture rather than raiding. Carleton further maintained that the army was designed for fighting, not guarding Indians on a reservation. This task, he stated, was rightfully the responsibility of the Department of the Interior which was in charge of Indian Affairs.

The superintendent of Indian Affairs in New Mexico, Matthew Steck, rejected Carleton's argument. Steck declared that the army had campaigned against the Navajos, rounded them up and put them on the Bosque Reservation. The Indian Service of the Department of the Interior would take no responsibility for the Navajos at Fort Sumner. Besides, the Indian Service had no funds available to take over the feeding and clothing of these Indians.

The quarrels between the army and the Indian Service also brought territorial politics into the affair. Enemies of General Carleton continued to voice their opposition to the Bosque Redondo Reservation. New Mexican politicians, who had long opposed Carleton's Indian policies, now urged that he be removed as military commander of the territory.

Congressional Investigations

The controversy brought about by the Bosque Redondo Reservation was well known in Washington, but no investigation was made by Congress until shortly before the Civil War ended in May 1865.

The problem concerning the Navajos at the Bosque Reservation was only one of many such issues involving the Indians in the western territories. Most of these problems had come about as a result of American settlers moving into the territories in search of new land and opportunities. The Homestead Act, passed by Congress in 1862, acted as an added attraction to draw these settlers into areas traditionally held by western Indian tribes. By 1865, serious conflicts had developed in some areas between these two groups, and Congress began appointing committees to investigate the entire Indian situation in the west.

In New Mexico, the first full scale investigation of conditions at the Bosque Redondo Reservation came during the closing months of the Civil War. In June 1865, the Doolittle Committee, appointed by Congress and consisting of Senators James R. Doolittle of Wisconsin, Lafayette S. Foster of Connecticut, Congressman Lewis W. Ross of Illinois and Navajo Agent Theodore Dodd, arrived in the New Mexico Territory.[8] The Doolittle Committee, familiar with the Bosque Rodondo controversy, held hearings at both Fort Sumner and Santa Fe in order to determine for themselves the Indian conditions that existed in the territory and on the Pecos River Reservation.

During the investigation of the Bosque Redondo Reservation, Congressman Ross questioned both Navajo and Mescalero Apache leaders about reservation conditions. When Ross questioned the Navajo leader Herrero, Herrero declared that although they received practically everything they wanted at the Bosque, his people preferred to return to their old homeland. Congressman Ross, recalling Carleton's statement that the tribe could not support itself there without raiding, asked Herrero if the Navajos could make a living there. The Navajo leader replied quickly that they could. Ross then questioned Herrero about the treatment the Navajos had received from the soldiers who guarded them. The Indian bitterly replied that, "the soldiers about here treat us very bad—whipping and kicking us".[9]

The Doolittle committee, following the gathering of information at Santa Fe and the Bosque Reservation, returned to Washington to sift through the material. The committee made no immediate report of its findings, but it did recommend that the Interior Department, which was in charge of Indian Affairs, conduct its own investigation into the situation in the New Mexico Territory.

Bailey in *The Long Walk*, states that,

> The short hearings in Santa Fe and a cursory inspection of the Bosque Reservation revealed the depth of the New Mexico Indian troubles. For the first time in the history of the territory, the real causes of the Navajo wars were being uncovered. The investigation revealed that for generations, slave raids had been conducted against the Navajos which only resulted in retaliation by the Diné. The horrors of the Navajo roundup and the tribe's subsequent imprisonment upon the Pecos River Reservation were also looked into. Out of the mass of conflicting testimony and reports came

> one thread of truth—that the tribe was suffering from the ravages of disease and malnutrition; that their stock was nearly gone as was their pitiful reserve of fuel.[10]

In mid-June 1865, bands of Navajos and Apaches began leaving the Bosque Reservation without authorized passes. Some of these groups simply left on hunting expeditions in an effort to find game to supplement their meager rations. Others raided New Mexican ranches in the area. Some carried out raids against the Comanches and Kiowas who were stealing the Navajos' dwindling flocks and herds. A large number escaped from the reservation in an attempt to return to their homeland. Among this later group were all of the Mescalero Apaches, who in November 1865, successfully stole away from the Bosque in small groups and fled back to the area west of Fort Stanton.

The Graves Investigation

In response to the Doolittle Committee's recommendation that the Department of the Interior conduct its own investigation into the Bosque Redondo situation in New Mexico, Special Agent Julius K. Graves was sent to the territory in November 1865.

Graves arrived in New Mexico late in December and began the task of inspecting the reservation as a suitable place for both the Navajos and the Apaches. Following a council with fifty to sixty Navajo headmen at the Bosque, and meetings with Santa Fe officials, Graves returned to Washington. As a result of his investigation, Graves reported that the Bosque was suitable as a reservation for the Navajos, but not along with the Apaches because the two were traditional enemies, a fact overlooked by General Carleton who thought the two groups would get along together as racial cousins and eventually merge into one people.

The Graves report fully supported General Carleton's policy of keeping the Navajos on the reservation. The report did not settle the Navajo issue, but it did start a series of actions which would eventually bring the Bosque Redondo experiment to an end.[11] The suffering of the Navajos was now out in the open. The problems of the Bosque Redondo Reservation could no longer be ignored, yet it would be almost two and a half more years before the Navajos would be freed.

The Peace Commission

In the period following the investigations by Congress and the

Department of the Interior, problems continued to plague the Bosque Reservation. Opposition to General Carleton and his Indian policies became louder and more frequent. The cost of operating the reservation continued to rise and hints of fraud and mismanagement of the Bosque Reservation were added to the charges against Carleton. In the end, the anti-Carleton forces appeared to be victorious and on April 2, 1867 General Carleton gave up his command of the New Mexico military district.

The removal of Carleton, however, did not solve the problems of the Bosque Redondo Reservation. Congress still neglected to appropriate enough money to adequately feed and clothe the Navajos at Fort Sumner. The crops continued to fail and the Navajos continued to slip away from the reservation, although army picket lines guarded the areas surrounding the reservation site.

Earlier, in December, 1865, the Department of Interior had reached an agreement with the Department of War to assume responsibility for the operation of the Bosque Reservation. Now, by 1867, the Department of Interior was ready to take over, but General George Getty, Carleton's successor, refused to allow this take over until he had received orders to make the transfer. Upon the arrival of these orders, the transfer of responsibility for the Navajos officially passed into the hands of the Department of Interior on October 31, 1867.

This transfer did not bring immediate relief to the Navajos, but it did add to the long process which finally led to the end of the Bosque Redondo Reservation. In order to operate the Bosque Reservation and provide adequately for the Navajos, the Interior Department needed more money. This call for more money from Congress raised the question of the possibility of removing the Navajos from the Bosque Redondo to a place where they could become self-sustaining.

In response to this question of Navajo self-sufficiency, various reports made in 1867 and 1868 recommended the closing of the reservation. These reports indicated that the Navajos could never become self-sustaining at the Bosque Redondo Reservation. On January 10, 1868, E. E. Mix, acting commissioner of Indian Affairs, wrote to the Secretary of the Department of the Interior that the cost of the reservation was prohibitive. "If the Navajos remain at the Bosque, necessity demands", he wrote, "that immediate steps be taken to make them self-sustaining".[12]

Commissioner Mix, responding later to a request from the Secretary of the Interior, drew up a report on how the Navajos had lived in their home country.

> Before the Navajos were brought to the Bosque Redondo, the Indians had made a living from the land without government help. They had hunted, grown corn and wheat, and had raised livestock. They had owned thousands of horses and sheep, and were

> recognized as one of the richest tribes in the country. Their blankets were some of the best that could be made.[13]

The most important point of the report was that the Navajos had been able to support themselves in their homeland without government aid.

For the Navajos, existing in miserable conditions on the reservation, the questions being raised by Washington officials regarding their fate were unknown. For them, the daily necessities of food and fuel, along with an undying desire to return to their homeland, occupied their minds. Many of them continued to escape from the reservation. Most were forced to return because their homeland, with its destroyed croplands, lack of livestock and continual patrols of soldiers and New Mexican citizens could no longer support them. The constant hiding and lack of food brought many back to the reservation, but the dream of someday returning to their homeland for good was not destroyed.

The shortage of food available in Navajoland proved to be the greatest hold the army had over the Navajos. General Carleton had earlier stated that the food given to the Indians every two days, was the greatest magnet which held them to the reservation. Superintendent of Indian Affairs in New Mexico, A. B. Norton, however disagreed with Carleton. The Navajos, Norton stated, remained on the reservation only because the soldiers kept them there. "To subject human beings to such torture is a disgrace to the age we live and the government we support", Norton had declared.[14]

The Navajos' thoughts about staying on the Bosque Redondo Reservation had been expressed by the headman, Herrero, who told Superintendent Norton that if the government put them back on their own lands, it could still keep its control over them. Herrero further stated that "Even if we starve there, we will have no complaints to make. All the Navajos longed to return to their lofty mesas and red sand country. Since coming to the Pecos Reservation", Herrero continued, "the Navajos had been constantly hungry and their large flocks of sheep greatly reduced. What does the government want us to do more than we have done? or more than we are doing?", he asked.[15]

The census reports made at the Bosque Reservation in 1864 and 1867, support Herrero's statements concerning the loss of livestock. In 1864, the census showed that the Indians owned 3,038 horses, 6,962 sheep, 2,757 goats and 143 mules. Each family averaged five persons and possessed two horses and four sheep. The census report with its averages was deceptive however, for this wealth was not evenly distributed. Many families owned no livestock at all.[16]

By comparison, the 1867 census report made by Agent Dodd showed that the Navajos owned only 950 horses, 940 sheep, 1,025 goats and 123 mules.[17] A once proud and wealthy people were now on the verge of poverty.

The end of the Bosque Rodondo Reservation was rapidly nearing. In early 1868, Congress, in an attempt to bring to an end the problems between Indians and non-Indians in the west, created a special Peace Commission and authorized the making of treaties with the Indians. As the Navajos were already on the Bosque Redondo Reservation in New Mexico, it was felt that they would probably be among the first Indian tribes which would accept a treaty of peace. As a result of this reasoning, plans were made to send Peace Commission representatives to the Bosque Reservation.

At about the same time, Congress appropriated $150,000 to be used to remove the Navajos to a place where they could support themselves. The idea that the former Navajo lands might contain rich mineral deposits still remained in the minds of many New Mexicans and this congressional appropriation to pay the cost of moving the Navajos back to Navajoland brought immediate opposition from these forces. The editors of the Santa Fe *Weekly New Mexican* strongly opposed returning the Navajos to their former homeland. The newspaper felt that the whites now needed that area for their own use. Besides, returning the Navajos there would mean the end of all possible exploitation of mineral wealth there for years.[18]

In late April 1868, Agent Dodd took Manuelito, Barboncito and several other Navajo headmen to Washington in order to meet with President Andrew Johnson. The Navajos expressed their desire to return to their homeland, but the President made no promises. It was up to the Peace Commission to decide that, the President explained, not himself. The Navajos then returned to the Bosque Reservation where they eagerly awaited the arrival of the Peace Commission. Several days before the Commission's scheduled arrival at the Bosque, a Coyote Ceremony was held by the Navajos. This ceremony was directed by Barboncito and ended with him being chosen as spokesman for the Navajos when they met with the Commission. Plans were also made for the **Diné** to run away from the Bosque Redondo if the Peace Commission refused to let them return to their homeland. Now, all that remained was to wait for the men from "**Wááshinidooń** who would decide the future of the Navajo people.

Footnotes

[1] Lawrence Kelly, *Navajo Roundup* (Boulder: The Pruett Press, Inc., 1970), p. 57.

[2] Gerald Thompson, *The Army and the Navajo* (Tucson: University of Arizona Press, 1976), p. 33.

[3] Howard W. Gorman, *Navajo Stories of the Long Walk Period*, Dir., Ruth Roessel, (Chinle, Arizona: Navajo Community College Press, 1973), p. 33.

[4] Lynn R. Bailey, *Bosque Redondo* (Pasadena: Socio-Technical Books, 1970), p. 63.

[5] *Ibid.*, pp. 63-64.

[6] Thompson, *op. cit.*, p. 36.

[7] *Ibid.*, p. 76.

[8] *Ibid.*, p. 89.

[9] *Ibid.*, p. 90.

[10] Lawrence Bailey, *The Long Walk* (Los Angeles: Westernlore Press, 1971), p. 218.

11. Richard N. Ellis, ed., *New Mexico Past and Present* (Albuquerque: University of New

Mexico Press, 1971), p. 138.

[12] Thompson, *op. cit.*, p. 149.

[13] *Ibid.*

[14] *Ibid.*, p. 144.

[15] *Ibid.*, p. 140.

[16] *Ibid.*, pp. 71-71.

[17] *Ibid.*, p. 136.

[18] *Ibid.*, p. 151.

Chapter 7

THE TREATY YEARS, 1868-1878

> I found the Bosque a mere spot of green in a midst of wild desert, and that the Navajos had sunk into a condition of absolute poverty and dispair.[1]
>
> General William Tecumseh Sherman

> I hope to God you will not ask me to go to any other country except my own.[2]
>
> Barboncito

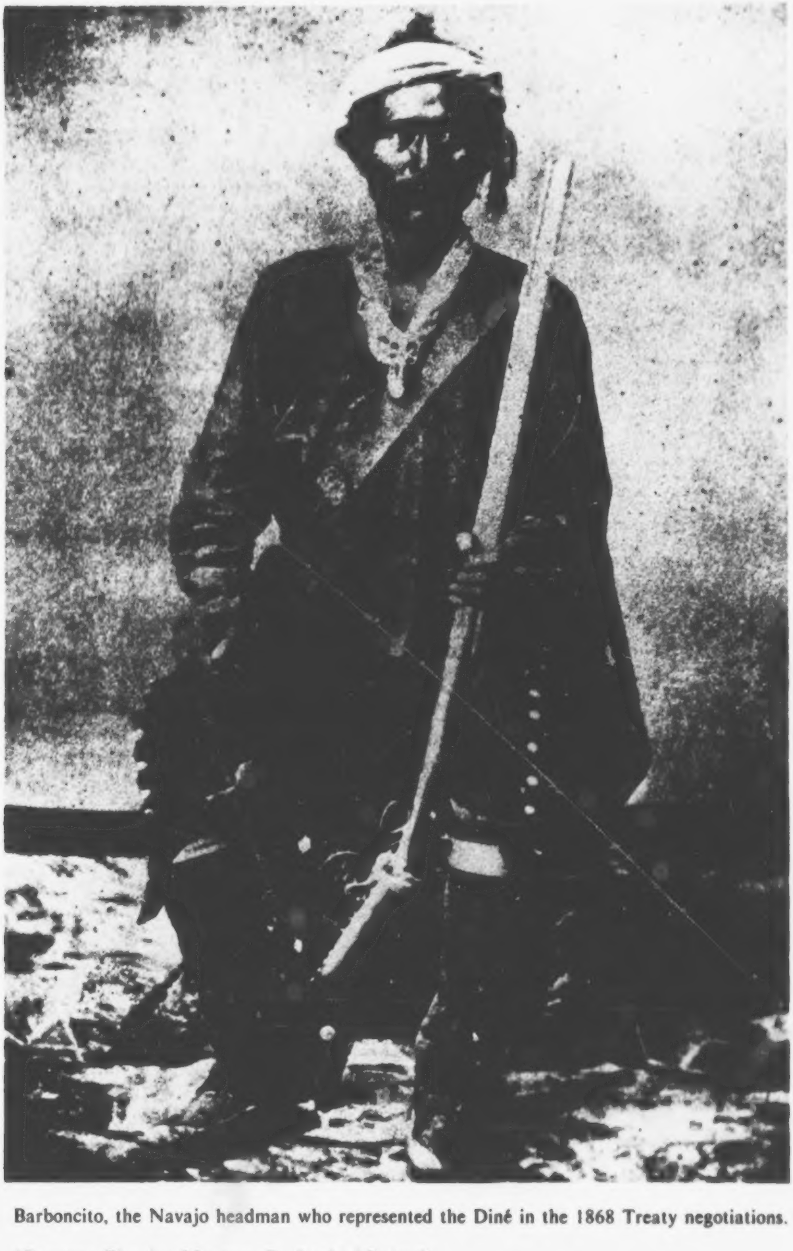
The Treaty of 1868

On May 28, 1868, Peace Commission representatives, General William Tecumseh Sherman and Colonel Samuel Tappan, arrived at the Bosque Redondo Reservation. Immediately upon their arrival at the reservation, the two representatives began talks with Navajo leaders Barboncito, Delgadito, Manuelito, Largo, Herrero, Armijo and Torivio.

As this first meeting between the representatives of the Peace Commission and the Navajos began, General Sherman, using interpreters James Sutherland to translate his words from English into Spanish and Jesus Arviso to further translate the Spanish into Navajo, addressed the assembled Navajo headmen. Sherman stated that as representatives of the Peace Commission, both he and Senator Tappan had come to Fort Sumner to investigate the conditions of the Navajos. In order to do this, Sherman continued, only the truth must be spoken. The Navajos, Sherman stated, had been brought to the Bosque Rodondo Reservation because of constant raiding and warfare. An attempt had been made to make farmers of them, but they appeared to be as poor as when they came four years before. Thus, the Commission wanted to know what the Navajos thought about this reservation.

Barboncito, having been selected as spokesman earlier, replied eloquently and at length about the problems suffered by the Navajos and also by himself during their forced stay at the Bosque. He also made a plea to allow the Navajos to return to their own country. ". . . I am speaking to you (General Sherman) now as if I was speaking to a spirit and I wish you to tell me when you are going to take us to our own country?"[3]

General Sherman then showed Barboncito a map, indicating the boundaries the Navajos would have to live within, and the terms that would be imposed upon the Navajos, regarding themselves and their neighbors, both



Barboncito, the Navajo headman who represented the Diné in the 1868 Treaty negotiations.

(Courtesy City Art Museum, St. Louis, Missouri)

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Utes and New Mexicans.

At this point, the Peace Commissioners made an alternate suggestion to the Navajos. They could go to the lands set aside for the Indians known as the Indian Territory, south of the Arkansas River. To this offer of taking a delegation of Navajos at government expense to view the Indian Territory, Barboncito replied,

> I hope to God that you will not ask me to go to any other country except my own. It might turn out to be another Bosque Redondo. They told us this was a good place when we came, but it is not.[4]

General Sherman then requested that the decision of whether to return to Navajoland or to the eastern Indian Territory be decided by the tribe. He asked the Navajos to select ten spokesmen who would represent the entire tribe and meet again the next day at 10:00 A.M.

To this Barboncito replied,

> I am very well pleased with what you have said, and if we go back to our own country, we are willing to abide by whatever orders are issued to us; we do not want to go to the right or left, but straight back to our own country.[5]

The next morning, May 29, 1868, the ten spokesmen selected by the tribe were recognized. They were: Barboncito, Delgadito, Manuelito, Largo, Herrero, Chiquito, Muerto de Hombre, Hombro, Narbona Primero and Armijo.[6]

As the meeting began, General Sherman requested that the chosen spokesmen select one man to speak for the group. Barboncito who had been selected at the earlier Coyote Ceremony was again chosen. He would act as chief spokesman with the remaining nine leaders acting as his council.

Point by point, the proceedings covered the problems and provisions of the new treaty. The Cebolleta band of Navajos, the **Diné Ana'í** , would be allowed to return to their former lands, but if they did they would be under the laws of the territory and not entitled to any advantages of the treaty made with the Navajos. The problems of Navajo slaves held by the New Mexicans was then brought up by Barboncito. To this, General Sherman answered that Congress had forbidded peonage in New Mexico.[7] This matter would now be handled by the courts. Other subjects, including schools, blacksmiths and carpentry shops were discussed. All of these would be written into the treaty so that it would be clearly understood.

On the next day, May 30, the council met again. The treaty prepared by the Commissioners since the previous day's council was read, interpreted into Navajo, and approved by the Navajo representatives. The boundaries of the new reservation for the Navajos were then detailed and accepted by

Barboncito, who also requested that two more spokesmen, Narbono Segundo and Ganado Mucho be added to the Navajo council. The twelve Navajo leaders now agreed that old Fort Defiance was the proper place for an agency site and following a closing statement by Ganado Mucho, General Sherman adjourned the meeting.

On June 1, 1868, at 9:00 A.M. twenty nine Navajo headmen, representing their people, placed their marks on the treaty. Of the twenty nine, only Barboncito's brother, Delgadito, or Delgado as he was often called, signed his own name to the treaty. It was all over; the Navajos could now go home. Four years of suffering, death and exile were ended. Now the war between the Navajos and the Americans was over. Ahead lay a future bright with promise, at least the promise that the people would be able to live their lives within their traditional lands and in their traditional ways.

The Return Home

The Navajos had left their tribal homes because of the will of the white man. Now they were returning because of their own desire. The four year exile of the Navajos was vigorously attacked by Colonel Tappan, who stated that the Navajos,

> . . . have been prisoners of war to all extents and purpose, and the person who for selfish money and political purposes, is responsible for such inhuman treatment of these Indians, as that of keeping them for nearly four years upon such a reservation deserves the condemnation of the people and the severest penalities of law.[8]

The homeland the Navajos would return to had been reduced to about a fourth of its former size by the treaty. They would return to this limited homeland under military escort, just as they had left it. But this time the army was not punishing them for wrongdoings, but protecting them from any New Mexicans who might wish to harm them.

They were to leave the Bosque Redondo Reservation much poorer and wiser than when they made the "Long Walks" there. The stay at the Pecos Reservation was terrible in many ways for the Navajos, but their imprisonment did, however, teach the **Diné** the uselessness of continuing their old practice of raiding. After their return in 1868, the tribe remained at peace

(See appendix H for text of Treaty of 1868. The complete text of pre-treaty discussions and treaty text is available in *The Navajo Treaty-1868*, published by K. C. Publishers, Las Vegas, Nevada, in commemeration of the 1968 Navajo Centennial).

with the federal government. Relationships between the two groups would be strained at times during future years, but no wars would ever again be fought between them.

Just as they had arrived at the Bosque Redondo in several groups, so would they leave it. The excitement of returning to their beloved homeland caused a great majority of the people to begin preparations immediately following the signing of the treaty. Within two weeks they were ready to start. Four companies of cavalry were to accompany the main group back to Navajoland. On June 18, 1868, a column ten miles long, with fifty wagons, moved slowly out of Fort Sumner. The **Diné** were going home.

Traveling from ten to twelve miles a day, they moved through Anton Chico and Canyon Blanco, reaching Tijeras Canyon, 12 miles east of Albuquerque on July 4, 1868. Manuelito, who had been over this same route two years before stated,

> When we saw the top of the mountain (Mt. Taylor) from Albuquerque we wondered if it was our mountain and felt like falling to the ground, we loved it so . . .[9]

The Navajos quietly forded the Rio Grande River on July 6, 1868, and by the end of the month the column had reached Fort Wingate. Fort Wingate, originally located near Grants, New Mexico, had been abandoned during the Navajos' stay at the Bosque Redondo. The new Fort Wingate was now located at what had in earlier times been Fort Fauntleroy and later Fort Lyon, near Gallup.

One group, the Ramah Navajos, got its start at this time, when Many Beads and his family finally returned to the Ramah area. Many Beads and his family had been sent to the Bosque Redondo Reservation but had escaped and taken refuge with the Chiricahua Apaches. Now that the Navajos were freed from Fort Sumner, Many Beads and his family felt safe to return to their home.

Another group of 400, the **Diné Ana'í** led by Delgadito Chiquito, returned to their homes at Canoncito. No provisions had been made for this group in the Treaty of 1868, but they were later granted land in what is now called the Canoncito Reservation.

The Alamo group of Navajos, in the Socorro, New Mexico area, grew following the return of the Navajos, as many of the people went to join their relatives who had escaped from the Bosque Redondo and had created homes there. Young in *The Role of the Navajo in the Southwestern Drama* writes that according to Chee Dodge, the Alamo group was once part of the Diné Ana'í and were called **Tse'deek'áhá** (Stone Chewers) by the Navajos, for when they fought, they were reputed to get so angry that they chewed rocks.[10]

The main body of Navajos, however, stopped in the Wingate area to wait for the rations promised in the treaty. Fort Wingate was to be used only until

Fort Defiance could be rebuilt to act as headquarters for the Navajo agent as the treaty had promised.

Agent Theodore Dodd, called **Na'azísí** or Gopher by the Navajos, was now responsible for distributing the rations of food and clothing to the returning Navajos. He reported that the people were in desperate need of these rations before they could begin resettling. As soon as the first rations were given out, some families left Fort Wingate to return to the areas where they had lived before being taken to the Bosque Redondo Reservation.

As the Navajos settled around Fort Wingate, putting up makeshift shelters or using old army tents, it became so crowded that it was recommended that the Navajo Agency be moved as soon as possible to Fort Defiance. Work was begun immediately on the old fort, now seventeen years old. It had been burned during the Navajo's exile at Fort Sumner and as soon as it was rebuilt, the agency moved there as the treaty required. The fort was located about two miles south of the new reservation, which placed it closer to the Navajo treaty lands than Fort Wingate.

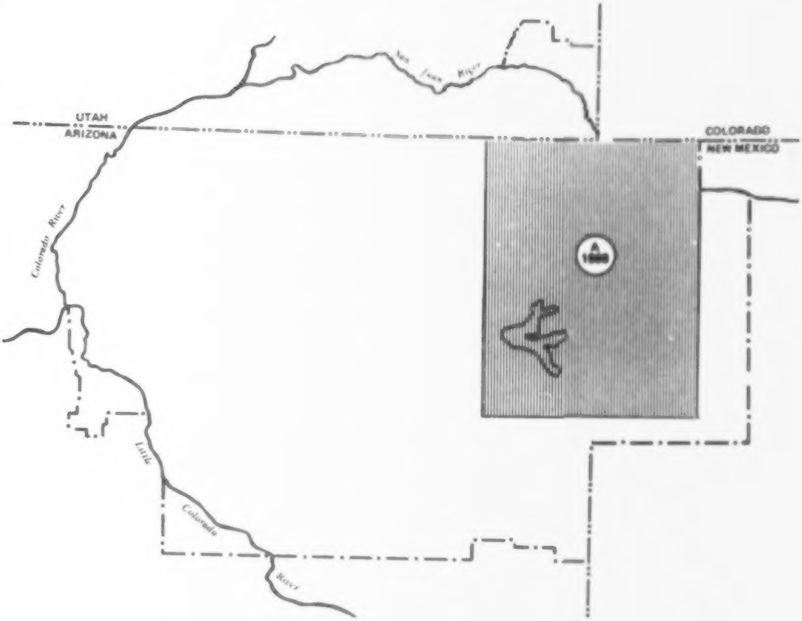
Rations at Fort Defiance were handed out at a large corral located at the fort. The Navajos were required to enter one gate of the corral where they were given a colored tag. Inside the corral, they got their rations and left by another gate. The rations were generally corn, beef, wheat and sometimes salt, tobacco and sugar.

The Navajos who left the protection of the forts and returned to the areas where they had lived before, found their former homes in ruins. The earth covered hogans had fallen down, peach orchards were stumps, and the corn, which does not reseed itself and can not grow wild, had vanished. Most of these people had to rely on government rations their first winter home as they had arrived too late to plant crops and had little or no livestock left.

They lived as they could, building makeshift shelters. To get rations, many had to make a long tiring journey into Fort Defiance. The area was not safe to travel alone in and the headmen who traveled to the fort for rations for their people had to be constantly on the lookout for bands of Utes and Apaches roaming through the area. Troops were usually sent to escort the headmen and their rations back home.

For many, the trip to the fort for rations was too long or too dangerous. They simply forgot the rations and tried to make a living from the land, eating birds, rats or any wild food they could find. Many remained homeless, staying around the fort, living in old tents or other shelters. They could not support themselves upon a devastated, winter-enclosed land. They stayed near the ration depot, their only source of food.

In the spring of 1869, the agency issued seed corn and other seeds to the Navajos so they could begin planting crops again. Unfortunately, the summer brought only drought and few crops were raised by the people. They were very discouraged. After having suffered for four years at the Bosque Redondo Reservation, they had returned to their homeland only to face other problems.



Navajo Reservation in 1868.
(A) Original Treaty Reservation established on June 1, 1868.

The Promised Livestock

In November 1869, the news that the long awaited distribution of livestock, promised in Article XII of the treaty, was to take place, spread rapidly among the **Diné**. Their spirits lifted by the good news, nearly 9,000 Navajos gathered around Fort Defiance for the promised livestock.

Captain Frank Tracy Bennett, called Big Stomach by the Navajos, was in charge of handing out the 14,000 sheep and 1,000 goats to the people. The Navajos lined up at the big adobe corral, and for five days the animals were handed out. Each person would enter one gate in the corral, be given two animals and leave by another gate. The distribution continued until the herd of sheep and goats was gone. Later distributions finally brought the total number of animals given out to the Navajos to 30,000 sheep and 4,000 goats. All of these animals had been bought from local New Mexico and Arizona ranches and had been driven in bands of 1,500 to Fort Defiance.

While the Navajos were receiving their sheep, some remembered Captain Bennett standing on the corral fence telling them to care for their animals.

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If good care were given, Bennett said, the animals would be healthy and multiply. If poor care, the animals would starve and die. To the Navajos, no warning of this kind was needed. They would care for their animals, for their lives now depended upon them.

Spicer in *Cycles of Conquest*, writes that,

> Almost as soon as the sheep and goats were issued, the Navajos began to expand beyond the boundaries of the newly created reservation. Many had lived outside these boundaries before and in simply returning to their homes, broke the treaty provisions. Others found the new boundaries had nothing to do with good forage and followed their sheep and goats into those areas where there was feed.[11]

The Bad Years

The rations given out at Forts Wingate and Definace, in these early days of the Peoples' return home, did not always arrive on schedule. Many times not enough was shipped to meet the Navajos basic needs. Other shipments proved to be of such poor quality that it was almost useless to the People. The treaty had made provisions for rations to be continued for a ten year period, through 1878, while the Navajos were re-establishing themselves. During this period the ration provision of the treaty proved to be vital to the Navajos.

The **Diné** had withstood the forces of the federal government and four years of suffering at Fort Sumner, only to return to their homeland to face the forces of nature. Between 1870 and 1880, crops were either poor or complete failures. In 1870, the crops failed, and likewise 1871 resulted in no crops being produced. 1873 produced a poor crop and a grasshopper plague occurred in 1876. All this was to be followed by severe droughts in 1879 and 1880. The period between 1870 and 1880 also created other probelms within the new reservation area for which the agent was responsible.

Congress did not always provide enough money on time for the Indian Bureau. This sometimes caused ration distributions to be an unsure thing. This, along with repeated crop failures, caused many Navajos to return to the old practice of raiding the border areas of the reservation. These problems, along with the Navajos general disregard for boundaries, began to cause tensions between the Navajos and their neighbors.

The rich new Mormon settlements of Utah were special targets for Navajo raids, forcing the Mormons, in 1871, to send their famous apostle, Jacob Hamblin, to lodge a protest with both the Navajos and their agent. These raids by the Navajos on livestock indicated the need for some type of law enforcement unit which would be under the control of the agent. The army could not spend its time patrolling the vast reservation area. Controls to stop the raiding must come from the Navajos themselves, especially after their earlier experiences with the soldiers. The Navajos must begin to police themselves.

A Police Force is Created

In 1870, W. F. M. Arny, acting as Special Indian Agent, recommended that a Navajo police force be set up. This was followed in 1872 by the recommendation of another special agent, General O. O. Howard, that a police force be created. Howard ordered that one hundred young Navajo men be recruited to serve as a police force to recover and return livestock taken from white settlers. These recruits were to furnish their own horses and receive monthly wages.[12] These recommendations for a Navajo police force were based upon the idea that a police force made up of Navajos, acting under the direction of the agent, could enforce the laws among its own people. A Navajo would be able to talk to a lawbreaker and understand the reasons behind his actions much better than a white soldier could.

These recommendations led Agent Thomas V. Keam to organize the first Navajo police force, known as the Navajo Scouts. This police force consisted of 100 members, with Manuelito acting as leader under the direction of Agent Keam. This police force lasted only a short time because of lack of money from the federal government to keep it going. It was re-established a year later with the leaders receiving $7.00 per month in wages and regular scouts $5.00.

Later in May, 1878, an act was passed which listed the duties of Indian police forces. They were to discover and arrest thieves, act as truant officers, protect property, prevent depredation of timber resources, prevent the introduction of liquor on the reservation, and act as messengers and census takers for the agencies.

Footnotes

[1] Gerald Thompson, *The Army and the Navajo* (Tucson: University of Arizona Press, 1976), p. 140.

[2] *The Navajo Treaty-1868* (Las Vegas: K.C. Publications, 1968), pp. 5-6.

[3] *Ibid.*, p. 4.

[4] *Ibid.*, pp. 5-6.

[5] *Ibid.*, p. 6.

[6] *Ibid.*, pp. 6-7.

[7] *U. S. Constitution Amendment XIII* 1-2.

[8] Frank D. Reeve, "The Federal Indian Policy in New Mexico, 1858-1880, II", *New Mexico Historical Review*, Vol. XIII, Jan. 1938, p. 34.

[9] William A. Keleher, *Turmoil in New Mexico, 1846-1868* (Santa Fe: The Rydal Press, 1952), p. 502, n. 104.

[10] Robert Young, *The Role of the Navajo in the Southwestern Drama* (Gallup: The Gallup Independent, 1968), pp. 42-43.

[11] Edward Spicer, *Cycles of Conquest* (Tucson: University of Arizona Press, 1962), p. 221.

[12] Dan Vicenti, et al., *The Law of the People, Vol. II* (Ramah, New Mexico: Ramah High School Press, 1972) pp. 165-166.

Chapter 8

THE NAVAJO AGENTS 1868-1884

The Early Agents

The Congress of the United States, by its treaty with the Navajos in 1868, made itself responsible for the affairs of the tribe. These responsibilities included setting money aside to help the Navajos as well as passing laws which would benefit them.

The Treaty of 1868 had made the Navajos wards of the federal government and, while the lawmaker's legal responsibilities were clear, most legislators had little or no knowledge of the conditions which existed on the Navajo Reservation during the 1880's and 1890's.

The Navajos' welfare was placed under the cabinet post of the Secretary of the Interior. The Secretary's position was a political one and he received his appointment from the President following Senate approval.

Under the Secretary of the Interior was the Commissioner of Indian Affairs who was also appointed by the President with Senate approval. The agents who worked under the Commissioner were to some degree still a part of the political "spoils system" which was in effect during this time. The agents were appointed by the President with approval by the Senate, but the names of office seekers were often given to the President by members of Congress. Congressmen from states where Indian reservations were located often appealed to the President to appoint a man as agent in order to reward this person for political favors or party loyalty. Little value was placed upon the job seeker's ability to carry out his duties.

Many times, in order to avoid being troubled by office-seekers for the position of agent, the President would appoint army officers to this post, a position of great importance, since these were the men who worked directly with the Indian people.

The men who served as agents to the Navajos operated under the title of "Agents for the Indians of the Navajo Agency in New Mexico". Despite the long title, the agents were really the men who represented the Navajos in their dealings with "**Wááshinidooń**".

In the thirty-one years between 1869 and the turn of the century, some sixteen agents worked on the Navajo Reservation. These agents worked out of the original agency headquarters which had been set up at Fort Defiance in 1869. Some of these men were excellent agents who truly represented the Navajo people. Others, however, tended to be agents in name only. If an agent was not doing his job as the Navajos thought he should, they were not hesitant in asking for the man's removal. Even though these requests were not always acted upon, the Navajos did make their thoughts known.

Early agents on the Navajo Reservation were provided by the Presbyterian Board of Home Missions. The Presbyterians' agreement to provide agents and schools on the reservation was bound by a contract referred to as the "Kendall Contract", in reference to Henry Kendall of the Presbyterian Board of Home Missions who made the contract with the Indian Office.[1]

Agent Theodore Dodd was the first agent to assume the problems and responsibilities of the Navajos when they returned to their homes from the Bosque Redondo and began to resettle their lands. In 1869, before the livestock distribution had been completed, Major Dodd died. The duties of acting agent fell to Captain Frank Bennett, who served as Dodd's replacement. Later James Miller was appointed as agent in November, 1871, and Bennett, more accustomed to military matters than operating an Indian Agency, returned to his military duties.

Agent Miller, 1871-1872

During his brief term as agent, Miller relied upon the services of Thomas Varker Keam as unofficial clerk and Spanish interpreter. On May 18, 1871, Agent Miller was faced with the serious problem of Navajo feuds with the neighboring Hopi and Zuni Indians. These problems were partly solved by councils held between the Navajos and Zunis on May 29, and with the Hopis a short time later.

Under the 1868 Treaty, the Navajos had been awarded money for a ten year period to help re-establish themselves on the Treaty Reservation. As the people had no need for cash, the treaty money was given to them in the form of annuity goods and in 1871, the value of these goods averaged about $5.00 per person. Agent Miller, following the November 1871 distribution of annuity goods, was approached by the Navajos who requested that the next year they have sheep given out rather than goods. The sheep were needed more, they said, in order to build up their herds. The agent was very much in favor of this, for it was a way to help the Navajos regain the self-sufficiency they had lost while at the Bosque Redondo Reservation. In 1872, Miller received permission to buy 10,000 sheep as part of the annual annuity goods.

The rich bottom lands along the San Juan River next drew the agent's attention. These lands would make excellent farming areas if they were protected from Ute raiding parties. In June 1872, Agent Miller left to inspect these lands, accompanied by the post trader, John Ayres, the agency farmer, Ben Thomas, and the Navajo interpreter, Jesus Arviso. On the morning of June 11, as the four men were camped at the present-day site of Shiprock, New Mexico, shots rang out. Upon investigation, Miller's companions found that the agent had been shot through the head as he lay sleeping. By July, the report that the Utes had killed Miller was confirmed by the agency.[2]

The Capote and Wiminuche Utes had been raiding and causing trouble along the northern border of New Mexico for some time. These raids had started following a visit by the Capote chief to the Green River in Utah. While there he had seen the Paiute "Indian Messiah", Wovoka, also known by his white name, Jack Wilson. After listening to the "messiah", who said that the end of the white man's domination of the Indians was near, the Capote chief returned and the raiding started. The "messiah's" message also spread to other tribes and finally ended as the well known Ghost Dance Religion of 1889 and 1890.

Miller's death placed Thomas Keam in charge of the Navajo Agency. A short time later he was officially appointed as Special Agent to the Navajos. Keam was quickly faced with the problem of the religious views held by the Pueblo Agent W. F. M. Arny, who charged that some of the Navajo Agency employees were involved in immoral conduct with Indian women. These charges had grown out of the fact that several white men in and around the agency had taken Navajo women as their wives in the traditional Navajo manner rather than through Christian church services. This matter was ignored for the moment, but it would not be forgotten in the future, especially by Arny.

Thomas Keam was replaced as Navajo Agent by W. F. Hall, but the new agent took little active interest in running the agency and Keam continued to handle almost all agency business. Keam requested that the old agency building be rebuilt and reported that the school was making little or no progress. He visited the San Juan area where Miller had been killed, and recommended than an agency be built there. However, the continued threat of Ute raids delayed this proposal for many years until the Shiprock Agency was opened in 1903.

Agent W. F. M. Arny, 1873-1875

In September 1873, a new agent arrived to lead the Navajo Agency into the stormiest years of its short life. W. F. M. Arny, a former interim governor of New Mexico in 1866 and agent for the Pueblos for several years, took over the agent's office at Fort Defiance. The new agent was a member of the Presbyterian Church which still held the contract to provide agents, teachers, and missionaries for the Navajo Reservation.

Arny immediately began to push his religious views upon the Navajos, the white agency workers and the traders on the reservation. He fired those agency employees who were married to Navajo women and turned his attention to ridding the reservation of the traders whom he called "squaw men" and "whiskey sellers".

Arny also warned the Navajos that they must stay on the reservation or lose their annuity goods. This did not sit well with the Navajos, many of whom had settled on railroad lands outside the reservation boundaries. These railroad lands had been granted by Congress in 1866 in an effort to help the railroads meet the cost of expanding the nation's transportation system. The official act which provided for railroad land grants was known as the Enabling Act, and gave public lands to the railroads in alternating sections, 20 miles deep, on both sides of the railroad right of way. These sections, which could be sold by the railroads to help meet the cost of building the rail line, were later extended by another five miles on each side of the track, for a total of 50 miles. This extra 10 miles was given to help make up for any lands lost by the railroads because they were already owned by individuals through homesteads. The act however, did not apply to lands on which Indians had settled. These lands could be sold at any time and the Indians removed.[3]

During the same year that the Enabling Act was passed, Congress issued a charter for the Atlantic and Pacific Railroad and granted public domain lands to it. The railroad was to run from Springfield, Missouri to the California state line. The public domain lands granted to the Atlantic and Pacific were later taken over by the St. Louis and San Francisco Railroad when the former went into bankruptcy.

By 1876, the railroad was ready to extend its lines through New Mexico and Arizona, passing to the south of the Navajo Reservation. In that same year, the railroad began its survey through the off-reservation area used by the Navajos and which contained some of their finest winter rangelands. When the Navajos learned of the railroad's ownership of these sections of land, and the fact that they would be sold to Anglo settlers, they protested. They asked the agent's permission to allow them to go to Washington with their grievances.[4]

Meanwhile, problems erupted in the northwestern part of the reservation between the Navajos and the Mormons who were beginning to start settlements down the Colorado and Little Colorado River valleys. Three Navajos had been killed and the Navajos demanded "blood money" from the Mormons. The Mormons, represented by Jacob Hamblin, repeatedly told the Navajos and their agent that the Mormons had not committed the murders. Other white men, not of the Mormon faith, had done the killings.

While this situation was developing, the Navajo chiefs again asked to go to Washington to see about the lands south of the reservation which Agent Arny had ordered them to leave. At this point, a devious plan oy Arny to get the San Juan area for white prospectors and special mining interests took place. In a council with the chiefs, Arny entered a suggestion that the lands of the San Juan area, barren and subject to Ute raids, be exchanged for lands in the south. Eleven headmen signed a petition which Arny wrote for them, asking that this exchange of 1,152 square miles be made.[6]

After getting permission from the Indian Office, Arny used $2,500 of the

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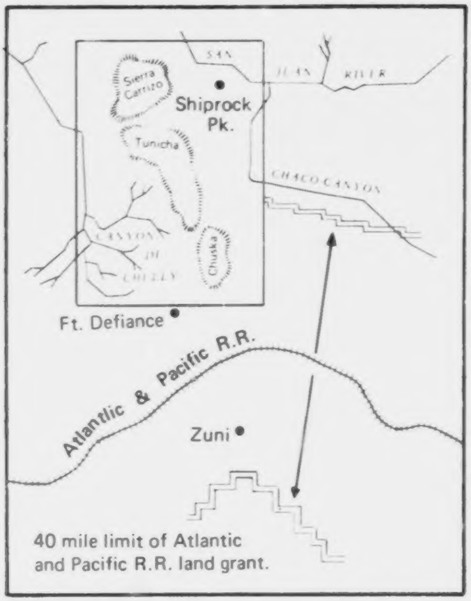
San Juan River
Sierra Carrizo
Shiprock Pk.
Tunicha
Chaco Canyon
Canyon de Chelly
Chuska
Ft. Defiance
Atlantic & Pacific R.R.
Zuni
40 mile limit of Atlantic and Pacific R.R. land grant.

The forty mile land grant area of the railroad did not apply to federal trust lands such as the Navajo Reservation or to privately owned lands.

Navajos clothing fund to take ten Navajo headmen, including Manuelito, his wife Juanita Pal-ti-to, and son Manuelito Segundo, along with Cayetanito Barbas Hueras, Mariano, Cubra Negar, Tiene-su-se, Ganado Mucho and Bueno Ci-nai, to Washington to meet with President Ulysses S. Grant.[7]

The visit with the President was short. The Navajos were referred to the Indian Bureau where they learned that the alternating sections of land not granted to the railroad would be open for Navajo homesteading just as they would for the Anglos. It was suggested that lands north of the San Juan would be set aside to help replace those grazing lands lost to railroad land grants and Anglo settlers.

The Navajos were covered under the Homestead Act of 1875, and could homestead the public domain lands which lay outside the Treaty Reservation. No records, however, show that the Navajos took advantage of this between 1875 and 1905. This was probably due to the fact that the Homestead law required them to live continuously on the land for five years and pay a filing fee of $26 to $34 dollars. Also, most Navajos who lived on their traditional lands now considered part of the public domain, probably never knew that the Homestead law existed.

The idea of a land exchange which would open up the San Juan area to

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white prospectors fell through when Arny was informed by the Indian Office that the lands south of the reservation had already been granted to the railroad and could not be exchanged.

The Navajos were now ready to relieve Arny of his duties as their agent. They could, they said, no longer trust him or his word. He had cheated him of their goods. In short, they said, "We pray our Great Father to send us an agent who will talk less and do more . . .".[8]

In Washington, Arny began another plan to secure the San Juan area for white entry. He took his new propsoal which called for an exchange of the San Juan area for lands on the western side of the reservation to the Indian Office. No action was taken on this new proposal and the agent returned to his job only to find that the Navajos had taken over the agency during his absence.[9]

In 1874, the Office of Superintendent of Indian Affairs in New Mexico had been ended. Now all agents reported to the Department of the Interior in Washington. Navajo problems now had the chance of either being ignored or misunderstood by Washington officials who lived far away from Navajoland. Also, reports made by the agents on conditions on the reservation were sometimes changed or destroyed in order to make the Commissioner of Indian Affairs appear in a better light to his superiors.

This was not to be the case with Agent Arny. When he returned from Washington, he found that the Navajos, who had taken over the Agency at Fort Defiance, had begun to expose his actions, actions that even Washington could no longer ignore. Slowly, the embarrassing coverup by Arny came to light. He had been taking goods sent for the Navajos for his own use. The military was called in to assume charge of the agency until a new agent could arrive.

Agents Irvine, Smith and Pyle, 1875-1879

Alexander G. Irvine took the job of agent on September 23, 1875. He was later replaced by Agent John C. Pyle on June 1, 1878.

When Pyle assumed the duties of Navajo Agent, he was faced with the problem of a group of people who had out-grown the confines of their reservation. During the decade of 1870's, the Navajo population had increased steadily. The livestock distributed by the government at Fort Defiance in 1869 had also increased rapidly. It was now becoming harder and harder for the Navajos to live within the reservation lands provided by the Treaty of 1868.

Because of these growing numbers, on October 29, 1878, President Rutherford B. Hayes signed an Executive Order setting aside an additional block of land on the western side of the Treaty Reservation for use by the Navajos. Executive Orders by the President, transferring public domain lands, did not have to be approved by Congress at this time and they helped ease the growing pains of the Navajo Tribe to some extent. However, the ever increasing human and animal population on the reservation soon made it overcrowded again despite the new addition.

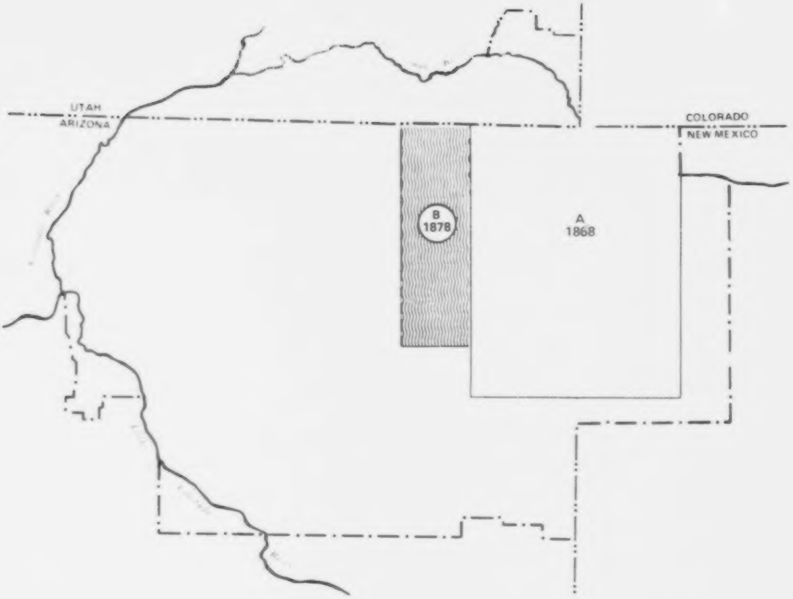
As the ten year period known as the "Treaty Years" drew to an end in 1878, Agent Pyle commented upon the progress that had been made by the Navajo Tribe. Acording to Van Valkenberg in *The Navajo Indians III*, Pyle stated in 1879 that,

> Within ten years the Navajos have grown from a band of paupers to a nation of prosperous, industrious, shrewd . . . intelligent people. It should be remembered, however, that they were paupers by disastrous warfare with the whites—principally the Mexicans—supported by United States troops, and the responsibility for which does not rest with the Indians. Previous to their removal to Fort Sumner, the Navajos were far from paupers. They owned large herds of domestic animals, fields, gardens and orchards. They successfully cultivated the barren soil of their native country, though they were less prosperous than at present. A Navajo with a sharp stick and hoe, can get one-half to one-third more returns than a white man with the best machinery.[10]

Galen Eastman, 1879-1880

Late in 1879, another Presbyterian agent, Galen Eastman took over the agency. Eastman, who was to serve two separate and dissension-ridden terms as Navajo Agent, became one of the most hated agents to serve on the reservation. Called the "tarantula" by the Navajos, Eastman managed to quarrel continually with both the Navajos and their non-Indian neighbors.

Upon taking over the agent's duties at Fort Defiance, Eastman reported that the preceding summer had been unusually dry and that the Navajos had lost most of their crops. Education was at a standstill, with school being held in a small, leaky adobe building at the agency. A new school building had been authorized by Congress, but no money had been aside for building it and the foundations had not yet been laid. Later in the same year, work began on the school, which was finally completed, after intermittent construction, three years later. A smallpox outbreak also occurred during this time and Eastman reported that several people had already died and the disease was spreading. Many people had been vaccinated against smallpox following their return from Fort Sumner during Bennett's term as acting agent, with over five thousand people being vaccinated before the vaccine ran out.



Navajo Reservation in 1878.
(B) Executive Order addition, October 29, 1878.

The building of the Atlantic and Pacific Railroad south of the reservation brought with it the problem of illegal whiskey which was sold to the Navajos and brought onto the reservation. Eastman, as agent, tried to stop this from occurring, but was not successful. In his efforts to control the flow of "bootleg" liquor onto the reservation, he issued warnings to both the Navajos and Anglos that they would be severely punished if they broke the law.

Many Navajos had taken up their old habits of raiding off the reservation during this period. Raids against New Mexican and Zuni livestock herds increased and neither the agent, the military, nor the Navajo police were effective in stopping them. Finally, the old leaders, Manuelito and Ganado Mucho, took action. Convinced that the livestock raids were the result of witchcraft, they drew up a list of 40 names of suspected witches. The 40 whose names appeared on the list were then killed, including Muerto de Hombre, who had signed the Treaty of 1868. This action succeeded in ending most of the raids. The Navajos had acted in their traditional manner to end a problem beyond the reach of either the white men or the police. No action was taken by the agent against the men who drew up the list or carried out the executions. The agent simply pretended that the incident had never happened.

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The feeling that the northern section of the Navajo Reservation contained great amounts of hidden mineral wealth acted as a constant lure to white prospectors. In January, 1889, two white prospectors named Merrick and Mitchell were killed by Paiute Indians in the area of Monument Valley. The two prospectors had reportedly found a rich deposit of silver ore and while on a return trip to the mine, they had run into a band of Paiutes who had killed them. At first it was believed that **Hash Kéh Neiniih** and his band of hostile Navajos from the Black Mountain area were involved in the murders, but this later proved not to be the case. The mine, which was to become a part of the lost mine legends of the Southwest, eventually became known as the "Dead Men's Mine" or the "Lost Navajo Mine". Whether such a mine ever existed is unknown, but it is doubtful that is was located in the Mounument Valley area, as a geologist's survey later reported that no silver deposits were located in that part of the Four Corners area. The incident did, however, play a part in the removal of Galen Eastman as Navajo Agent. The area where the two men were killed was not a part of the Navajo Reservation in 1880, and the agent took no action in trying to solve the crime. Reports indicated at the time that the murderers could have been either Navajos or Paiutes. This lack of action by Eastman, in investigating the incident to see if the Navajos were really involved, helped lead to his first removal as Navajo Agent.

Captain Frank T. Bennett, 1880-1881

On July 1, 1880, Captain Frank Tracy Bennett replaced Eastman as Agent to the Navajos. Bennett had earlier assumed the duties of agent following the death of Major Theodore Dodd in 1869. Now he was faced with new problems as he resumed these duties.

Perhaps the most serious problem facing the new agent was the bootlegging of whiskey to the Navajos on the reservation. As the tracks of the Atlantic and Pacific Railroad were being laid to the south of the reservation, transient bootleggers and gamblers appeared as if by magic to ply their trade. Many railroad workers and Navajos were to fall victim to these men. Violence, always present under these conditions, broke out frequently along the railroad right-of-way.

The bootleggers sold their illegal liquor to the Navajos who either drank it on the spot or brought it back onto the reservation. Agent Bennett, according to Young in *The Role of the Navajo in the Southwestern Drama*, wrote to the Commissioner of Indian Affairs advising him of the growing traffic in whiskey on the reservation and his inability to control it, stating that, "At times, as many as 200 get together to have a good time spree, drinking whiskey, and these gatherings generally end in a free fight among

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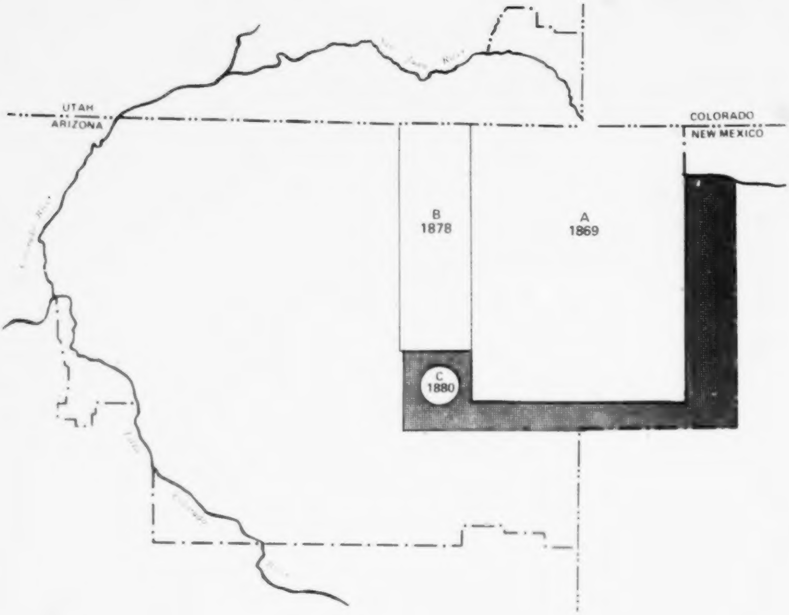

Navajo Reservation in 1880.
(C) Executive Order addition, January 6, 1880.

themselves".[11]

In 1880, Captain Bennett reported that the Navajos' average income per person was about $40 a year. The people still made their basic living from livestock and agriculture. Their livelihood was helped by hunting and small amounts of wage work whenever it could be found, plus relief given by the agency. The Navajos still lived off and on the reservation. He estimated that at least one-half of the Navajos were living outside the reservation boundaries during this time.

In 1880, the long promised addition of new lands for the ever increasing Navajo population became a fact. The new addition to the reservation was created from the public domain lands by Executive Order of the President on January 6, 1880. The new addition, located to the east of the Treaty Reservation, enclosed a block of land eastward from Tohatchi to the Stony Butte area, then northward to about ten miles southeast of Farmington, New Mexico. To the south of the Treaty Reservation, another block of land was added from seven miles west of Crownpoint through Tolakai Springs and St. Michaels to White Cone, Arizona. The new addition then turned northward at White Cone to join with the Executive Order addition made in 1878. The reservation had grown from 3,328,000 acres in 1868, to 6,750,000 acres in 1880.[12]

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Captain Bennett was also faced with a serious incident which occurred in Farmington, New Mexico, on February 28, 1881. Here, according to the agent's report, two white men shot and killed a Navajo boy. The incident began when the two men, who had been drinking, began to harass the boy who was in a store in town. The men took the boy's lariat and refused to give it back to him. They turned the boy's horse loose and when he caught it and tried to ride away, he was shot. The Navajos demanded justice.[13]

The citizens of Farmington armed themselves and prepared to attack the twenty-five to thirty Navajos who came to town to seek justice. Only the intervention of some peaceful citizens managed to convice the Navajos not to shed any more blood.[14] This incident and others like it did little to improve the relationship between the Navajos and the Anglos along the San Juan River.

Eastman Returns, 1881-1882

By the summer of 1881, Galen Eastman, who had returned to the east, was back in political favor. He again secured the appointment as Agent to the Navajos and returned to the reservation.

Upon taking over the agency again, Eastman reported that the new Navajo Industrial School at Fort Defiance was now open and serving Navajo children. The school situation and the agent in charge were described in 1881 by Lt. John G. Bourke. According to McNitt in *The Indian Traders*, Bourke referred to Eastman as

> a psalm-singing hypocrite whom the Navajos despised and whom they tried to kill.
>
> This Eastman had on paper, a boarding school for Indian children of which he wrote glorious accounts to the Sabbeth-school papers and which I visited. It consisted of one miserable, squalid, dark and musty adobe dungeon, . . . it was about 12 x 10 x 7 in height. No light ever penetrated but one window let darkness out from this den and one door gave exit to some of the mustiness; Eastman reported that he had accommodations for sixty children, but I saw only nine cottonwood bunks, in which had he made them double up, eighteen little children could be made wretched.[15]

Agent Eastman, in his continued fight with the traders on the reservation, reported to his brother-in-law, Senator T. W. Ferry of Michigan, that the "squaw men" and "whiskey sellers" were at the bottom of the Navajo discontent on the reservation. He indicated that one trader in particular, Thomas Keam was behind the killing of Agent Miller in 1872, probably because of his desire to become the Navajo Agent. Now these same evil forces were aimed at him. Would he be the next victim?[16]

The year 1882 brought more trouble along the San Juan River between the Navajos and the Anglos. The area had long been a "hot spot" on the reservation's borders and constant friction between the two parties kept the feud alive. Early in 1882, reports of continued trouble in that area, caused Colonel R. E. MacKenzie in Santa Fe to urge that four companies of cavalry be sent to Fort Lewis to oversee the eastern edge of Navajoland.[17]

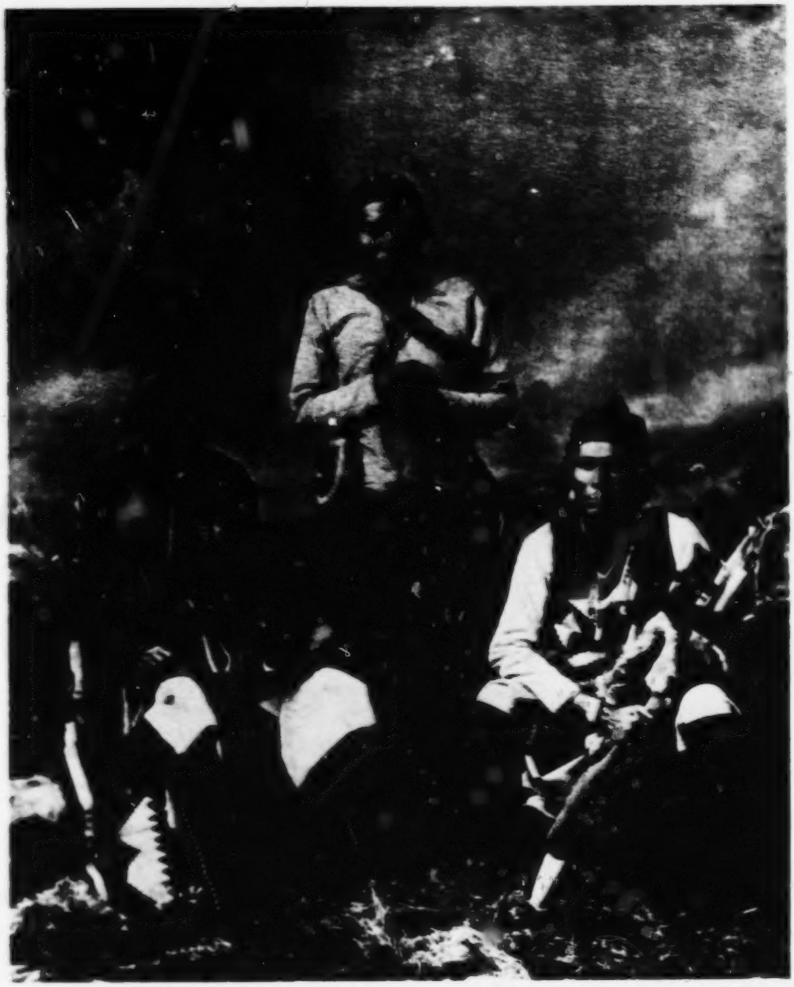
In March 1882, trouble broke out at Farmington, New Mexico. John Arrington recalled in McNitt's *The Indian Traders*, that,

> The trouble began at Spencer's store in Farmington when a Navajo man who had been hanging around the store grabbed a bolt of calico cloth and ran out the door. The storekeeper fired a warning shot over the man's head. At that point, a cowboy, Tom Nance, known as a killer and a bully from the Two Cross Ranch near La Plata, shot the Navajo in the back.
>
> When word of the shooting reached the Navajos, they banded together and rode to Farmington, fully prepared to destroy the town.
>
> Further bloodshed was avoided when Dr. Brown, the town's physician, stopped the armed Navajos. Dr. Brown, with the support of Navajo leader Kasti-anna, finally persuaded the Navajos to leave.[18]

Later that month, Colonel Buell at Fort Lewis reported that Agent Eastman had not bothered to investigate the problems along the San Juan boundaries. The only action Eastman had taken was to write a letter to the San Juan Valley, addressed to no particular person. The lack of action by the agent caused Colonel Buell to recommend that Eastman be removed as Agent for the Navajos.

Reports of Eastman's lack of ability to handle Navajo affairs began to reach Washington, with one Justice Department Inspector, S. R. Martin, reporting that the Navajos had lost all respect and confidence in their agent "The Navajos say", Martin reported, "he has ten tongues . . . they would rather have no agent than the one they have got".[19]

The Navajos had cause to be upset with Agent Eastman because of his attitude toward their traditional way of life and his demands that certain of their cultural practices be stopped. Also, Eastman made no effort to get economic help for the Navajos when the ten year ration period, provided in the 1868 Treaty, ended in 1878. In 1882, only five thousand dollars had been set aside by Congress for the more than sixteen thousand Navajos. This small amount of money was supposed to take care of the needs of the people, buy



Tiene-su-se (left), third war chief. Ganado Mucho (center, standing), and Mariano, second war chief. These men were part of the Navajo delegation to Washington D.C. in 1874.

(Photograph by Charles M. Bell, Courtesy Museum of New Mexico)

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Narbona Primero, Sub-chief of the Western Navajo, 1874.

(Photograph by Charles M. Bell, Courtesy Museum of New Mexico)

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tools and farming equipment, as well as pay the salary of the agency farmer who was supposed to help the Navajos with their crops.

On May 12, 1882, the Navajos themselves took action against their agent. Following a council held by the Navajos, Ganado Mucho informed Thomas Keam that the Navajos wanted to put Eastman in a wagon and drive him off the reservation. "The Navajos," Gando Mucho stated "could tolerate him no longer".[21]

The Navajos asked Keam to write their request for Eastman's removal to Washington. If there was no reply within eighteen days, they would carry out their threat. Eastman must go, one way or another. This request for Eastman's removal brought a quick answer from Commissioner Henry Teller. Only the Indian Office had the power to remove an agent he informed Keam and the Navajos. If the Navajos took such an action the entire army of the United States would be sent to punish them. They had, the Indian Office stated, been listening to bad men who were giving them poor advice.[22]

It is possible that Eastman's earlier letters falsely connecting Thomas Keam with Agent Miller's death as well as Eastman's references to a possible involvement by Keam in the murders of the two prospectors, Mitchell and Merrick, influenced the Indian Office's reply.

The general dislike for Eastman and his inability to control the problems which developed on the reservation persisted. This dislike, along with a growing investigation into charges of misusing Navajo funds, brought about his removal as Navajo Agent in December 1882.

In the same month, on December 16, a new Executive Order was signed by President Chester A. Arthur, creating the 2,477,780 acre Moqui (Hopi) Reservation. These new lands were designated for the use by the Hopis and such Indians as the Secretary of the Interior should indicate. The Navajos who had held much of these lands for centuries were, by right, the Indians who would jointly occupy the new addition.

Dennis Riordan, 1883-1884

Just as Eastman had received his position as agent because of the political "spoils system", so did his replacement, Dennis Riordan. When Riordan took over the Navajo Agency from Eastman, he wrote; "The tarantula, Nas-jeyt-so (**Na'ashjé'iitsoh**), left here today and thus rid the reservation of the most consumate scoundrel I have ever met".[23]

Shortly after his arrival at Fort Defiance Agency, the new agent met with the Navajos in an all night council. During the meeting, Ganado Mucho and Manuelito stated that no one seemed to care how the Navajos acted while Eastman was agent. They drank whiskey and acted bad. Eastman made them have pains in their heads and legs. Now that he was gone, they would not drink any more.[24]

Riordon held the office of agent for only a short time, from January 1, 1883 to June 30, 1884. During his short term as agent however, Riordan established a good relationship with the Navajos and tried to work for their best interest.

One of the first problems faced by Agent Riordan was that of the slaves still being held by the Navajos. Regarding this problem, he wrote:

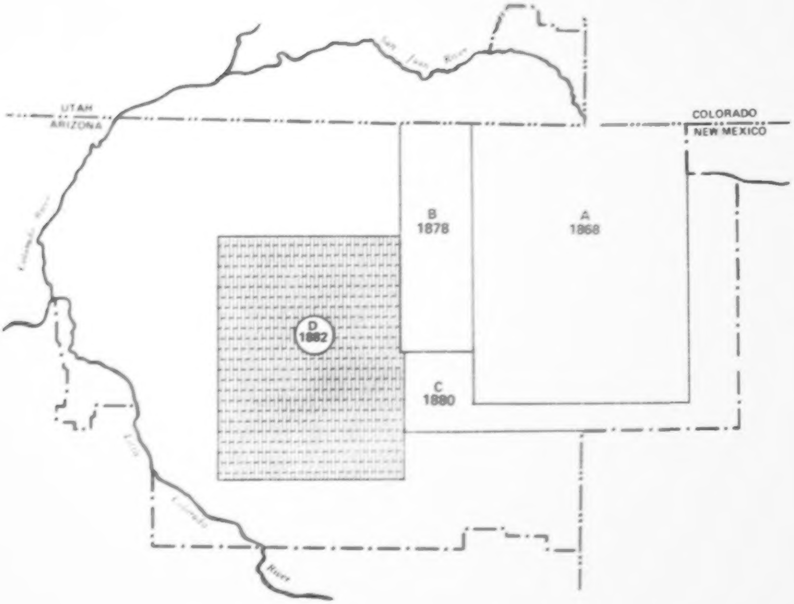
> Since I came here I have freed some 20 persons from slavery. A regular slave system has been in active operation amongst the Indians from the time immemorial. I determined to put an end to it. The slaves are descendents of war captives and persons sold into slavery from other tribes. The original bondsmen were Utes, Comanches, Apaches, Moquis, Jemez and from other tribes. Some were Mexicans captured in infancy. It is estimated that there are some 300 slaves in the hands of the tribe . . .[25]

This problem was not a one-side affair, however, as there were still some Navajos being held as slaves by both the New Mexicans as well as neighboring Indian tribes. As late as 1886, Navajo men were still being issued passes to go into the New Mexican settlements to look for lost relatives. The question of slavery was not an easy one to solve. Many of these captives had been held as slaves for many years. They had grown fond of their owners and many, knowing no other way of life, did not want to be returned to their own people.

This strange situation caused Agent Riordan to state in 1883, that, "no sooner would a Navajo release all his slaves than the slaves would escape from the agent and return to their Navajo homes".[26] Navajo captives were not really considered as slaves in that sense of the word, but more as adopted members of a family. Agent Bowman, who succeeded Riordan, stated in 1884, that "the Navajo slaves do not want to be liberated, and I cannot see how we are able to do it. It is like guarding a jail to keep the prisoners from breaking in".[27]

During Riordan's term as agent, two Executive Orders involving the reservation were issued by President Arthur, both signed on May 17, 1884. One added new lands while the other returned a part of an earlier addition to the public domain. The land addition came in two parts, one block was located in Southern Utah between the San Juan River and the Northern border of Arizona. The other addition was located south of the Northern Arizona border and next to the upper half of the 1878 Executive Order addition. The land restored to the public domain lay in the upper northern corner of the 1880 addition just south of the San Juan River, below present-day Farmington, New Mexico. This section was later returned to the Navajos by another Executive Order in 1886.

In addition to helping the Navajos acquire 2,468,125 acres of new land for the already 8,000,000 acre reservation, Riordan also worked to get water projects started on the reservation to add to the 56 water developments which



Moqui (Hopi) Reservation, 1882.
(D) Executive Order addition, December 16, 1882.

included 52 pumps for stockwater, three windmills and one irrigation dam reported to exist on the reservation in 1880.

During Riordan's term as agent, the two Navajo chiefs, Ganado Mucho and Manuelito, had reached a point where they were no longer able to control the Navajo people. Ganado Mucho was now seventy-five years old, while Manuelito had become an alcoholic. With these facts in mind, Riordan in 1884, named Henry Chee Dodge as the new leader or chief of the Navajo Tribe. In a written statement officially making the appointment, Riordan stated:

> To whom it may concern: I have this day appointed Henry Dodge (or Chee as he is known amongst his tribe) head chief of the Navajo Tribe. This action is taken with the sanction of the Honorable Secretary of the Interior (and) Commissioner of Indian Affairs. Henry Dodge has always proven himself intelligent and reliable, deeply interested in the welfare and advancement of his tribe. He is entitled to be obeyed by his tribe and respected by the whites in accordance forthwith.[28]

The appointment of Chee Dodge as spokesman for the Navajo Tribe was

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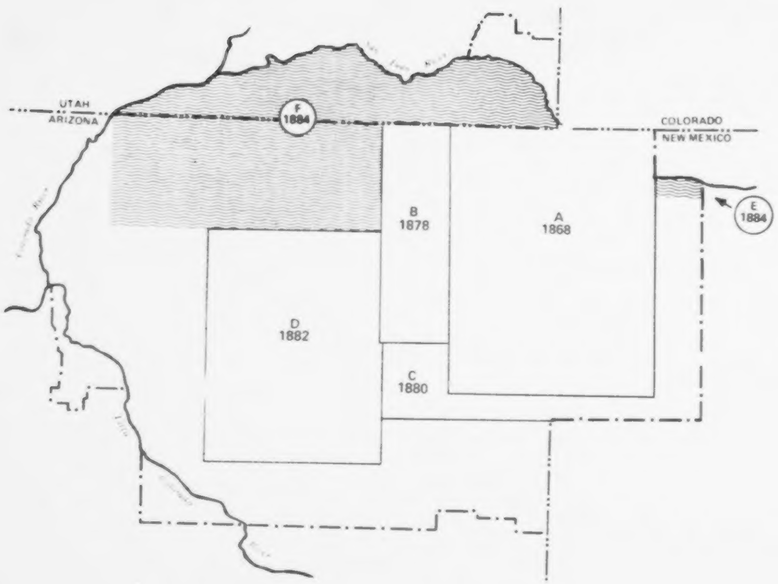

Navajo Reservation in 1884.
(E) Returned to the public domain by Executive Order, May 17, 1884.
(F) Executive Order addition, May 17, 1884.

to be more helpful to future agents than Riordan probably realized in 1884. The problems faced by the agents in trying to oversee an area as large as the Navajo Reservation were great. Ruth Underhill in *The Navajos*, quotes Riordan on the situation from the agent's viewpoint:

> The labor demanded of an agent here is such as to prevent his performing any of his duties in a satisfactory manner. The reservation embraces about 10,000 square miles of the most worthless land that ever laid outdoors . . . The country is almost entirely rock. An Illinois or Iowa or Kansas farmer would laugh to scorn the assertion that you could raise anything there. However, 17,000 Indians manage to extract their living from it without government aid. If they were not the best Indians on the continent, they would not do it.
>
> No help is given to the indigent and helpless Indians, the agent being compelled to see them suffer under his eyes or else to supply the much needed articles at his own expense . . . Knowing the failure of the government to fulfill its obligations to them, I for

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> a time did my best to supply their needs. I spent some $800 in that way but the money was not repaid and the expenditure stopped. The United States has never fulfilled its promise made to them by the Treaty.[29]

Footnotes

[1] Richard Van Valkenburgh and Clyde Kluckhohn, *Navajo Indians III* (New York: Garland Publishing Inc., 1974), p. 49.

[2] Frank McNitt, *The Indian Traders* (Norman: University of Oklahoma Press, 1962), pp. 132-133.

[3] Robert Young, *The Role of the Navajo in the Southwestern Drama* (Gallup: The Gallup Independent, 1968), p. 47.

[4] Edward Spicer, *Cycles of Conquest* (Tucson: University of Arizona Press, 1962), p. 221.

[5] McNitt, *op. cit.*, pp. 147-149.

[6] *Ibid.*, pp. 149-150.

[7] *Ibid.*, pp. 150-151, n. 13.

[8] *Ibid.*, p. 156.

[9] *Ibid.*

[10] Van Valkenburgh, *op. cit.*, p. 46.

[11] Young, *op. cit.*, p. 49.

[12] Van Valkenburgh, *op. cit.*, p. 47.

[13] Young, *loc, cit.*

[14] *Ibid.*

[15] L. B. Bloom ed., "Bourke on the Southwest", *New Mexico Historical Review*, Vol. XI (1936), p. 91.

[16] McNitt, *op. cit.*, pp. 171-172.

[17] *Ibid.*, p. 172.

[18] *Ibid.*, p. 173. n.

[19] *Ibid.*

[20] *Ibid.*, p. 174.

[21] *Ibid.*, p. 175.

[22] *Ibid., p. 176.*

[23] *"Historical Calendar of the Navajo People"*, comp., J. Lee Correll (Window Rock, Arizona: Navajo Tribal Museum, 1968), January 9, 1883.

[24] McNitt, *op. cit.*, p. 60.

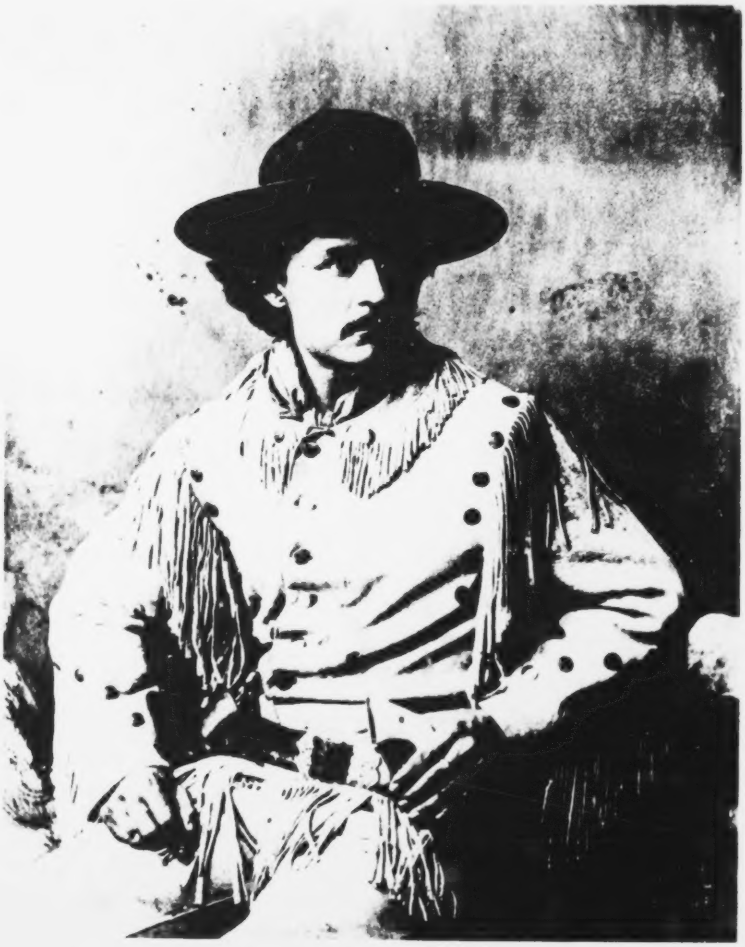
[25] *Historical Calendar, op. cit.*, August 14, 1883.

[26] Virginia Hoffman, *Navajo Biographies, Vol. I* (Phoenix: Navajo Curriculum Center Press, 1974), p. 101.

[27] Raymond Friday Locke, *The Book of the Navajo* (Los Angeles: Mankind Publishing Company, 1976), p. 405,

[28] *Historical Calendar, op. cit.*, April 19, 1884.

[29] Ruth Underhill, *The Navajos* (Norman: University of Oklahoma Press, 1956), pp. 171-172.



Chee Dodge as a young man.

(Photograph by Ben Wittick, Courtesy El Paso Centennial Museum)

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Chapter 9

THE NAVAJO AGENTS, 1884-1900

In the sixteen years remaining before the beginning of the twentieth century, seven more agents made their appearance on the Navajo Reservation. Like the agents who had served before them, all of these men would reveal their personalities and abilities, both good and bad, in their dealings with the Navajo people.

John H. Bowman, 1884-1886

Agent Dennis Riordan's replacement as Navajo Agent was a former sheriff and politician from Gunnison, Colorado. During his term as agent, John H. Bowman continued the plea for more water developments on the reservation just as agents before him had done. The Navajo Reservation was still in a constant state of friction. The school was not operating as had been intended and few pupils bothered to come. Attendance was irregular and even the teaching staff refused to co-operate with one another.

The tribe's population now stood at about seventeen thousand persons and they held approximately one million sheep and goats, along with an estimated fifteen thousand horses. The new land given to them by Executive Orders was not totally suited for grazing large herds and peace and prosperity were still playing a hide and seek game with the Navajo people

Before the previous agent, Riordan, had resigned his office, two prospectors named Samuel Walcott and James McNally had been killed in the vicinity of Navajo Mountain. The two men had been murdered, not by Utes, as Merrick and Mitchell had, but by Navajos. Riordan had taken no action in the matter, but had left it to his successor to take care of. Now, one of Agent Bowman's first duties was to find and punish the men guilty of murdering the prospectors.

Two prisoners were soon locked up. One, **Hash Kéh Neiniih**, headman of the Navajo Mountain area had surrendered voluntarily and the other, Tugi-yazzie, had been brought in by the Navajo police. **Hash Kéh Neiniih** was sent to Fort Wingate, but later as the true story of the murders unfolded, it was learned that he had no part in the crime. He had given himself up only to protect his son, **Nii'ditł'oii**, often referred to as **Hash Kéh Neiniih Biye'**

McNitt in *The Indian Traders* relates **Hash Kéh Neiniih**'s tale of the murders which he told Agent Bowman, with Chee Dodge acting as interpreter;

"I came to the camp of the Americans where the dead American was lying-the old man-(Walcott) and I said to the Navajos, 'My boys, what have you been doing here?' Hoskinini begay [sic] and Denet-tsosi [sic] (**Diné Ts'ósí**) were the Navajos. This is all I said to them, when I went a little distance away (and) saw Ba-leen-la-ki driving a herd of horses. I said to (him), 'My brother, I saw where over here some boys have killed an American'.

"Ba-leen-la-ki and myself started back toward the American's camp. When near there we met . . . Hoskinini-begay [sic] and Dinet-tsosi [sic] and the boy, who had killed the old man, and there we stay awhile, and soon three other Navajos came there."

"Then I told the boys, 'Let us go back towards our hogans and let this other American go'-so we sat there awhile, and Dinet-tsosi [sic] and Hoskinini-begay [sic] said we had better kill the American (McNally)."

"A short time after that the party split and the two Navajos (Dinet-tsosi [sic] and Hoskinini-begay [sic] went together, and myself and Ba-leen-la-ki went away in another direction. We went a little piece, and us two were a little ways apart, and we were near the American."

"Then I heard three shots fired by Hoskinini-begay [sic] and Dinet-tsosi [sic] who killed three horses belonging to the Americans. After the killing of the three horses, I went a little way walking along when I was shot by the American. Then I fell down, then got up and ran away, but I fell down several times before I got entirely away."[1]

The final story revealed that Walcott, the older prospector was killed with an axe and although McNally, the younger man, managed to get away, he was pursued and killed the following day.

The Navajo police soon brought in the other accused man, **Diné Ts'ósí**, who was also jailed. Later a troop of cavalry from Fort Wingate traveled the 175 miles from Fort Wingate to the area of Black Mesa, Arizona, where the murders had taken place. The troops were ordered to recover the bodies of McNally and Walcott and arrest any Navajos who had taken part in the crime. The troops were able to locate Walcott's body, but only the murderers knew where McNally's body lay. **Hash Kéh Neiniih Biye'**, joining with a party of Paiutes, managed to escape. Walcott's body was recovered and returned to Fort Wingate where it was buried. The three Navajos being held in jail for the crime, **Hash Kéh Neiniih**, Tugi-yazzie and **Diné Ts'ósí** were later released after having spent a year in jail.[2]

Samuel S. Patterson, 1886-1889

In April 1886, Samuel S. Patterson replaced Bowman and served until January 1889. During his term as agent, the earlier requests for more water developments were finally granted. Congress in 1886 set aside twenty-five thousand dollars for water projects on the Navajo Reservation. These water development projects were carried out at Washington Pass, Tsaile Creek, Eighteen Mile Spring, Chinle Valley and Fort Defiance. These projects

Hash Kéh Neiniih biye' (Nii'ditł'oii), involved in the murders of two prospectors. He later served as headman in the Oljeto, Arizona area.

(photograph by Charles Kelly, Courtesy Utah Historical Quarterly)

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became the first major water and irrigation developments on the reservation.[3]

Late in 1887, Patterson recommended that Chee Dodge be appointed Superintendent of Ditches and Reservoirs on the reservation. Patterson stated that "Henry Dodge . . . is well acquainted with the different watering places to be improved and has the interest of the Indians at heart".[4] The Commissioner of Indian Affairs readily gave his approval to the appointment.

Trouble between the Navajos and their Anglo neighbors continued to upset the affairs of the reservation area. On February 7, 1887, a Navajo man was accused of horse stealing and was pursued onto the reservation by Deputy Sheriff George Lockhart and a two man posse from Navajo Springs, Arizona. The Navajo, who had fled back to his people, resisted arrest when the deputy and his men came and Deputy Lockhart shot the Navajo, killing him. The other Navajos then opened fire on the white men, killing all three. After leaving the bodies of the three men, Lockhart, Ed Palmer and Tom King, lying where they had fallen, the Navajos rode to Bennet's store near Manuelito Station and robbed it. Later, the Navajos were caught, the stolen property was returned to the store and the bodies of the three men were recovered by army troops.[5] The action was over, but the incident had created greater feelings of hostility on both sides.

Not long after this, another incident occurred in which about one hundred and eighty horses belonging to old Chief Ganado Mucho and others were stolen by a group of white men from off the reservation. The Navajos located the stolen horses near Winslow, Arizona, and managed to recover all one hundred and eighty horses, plus two extra.[6] Although the stolen horses had been recovered, the incident only added to the growing feud between the Navajos and their off-reservation neighbors.

The year 1887 also saw the passage of two far reaching acts by Congress. The effect of the first, the Indian Compulsory Education Act, was to be felt quickly on the Navajo Reservation. The agents were instructed to begin carrying out the provisions of the act which required them to collect Navajo children and if necessary, force them to attend school.

The second, the Dawes Severalty Act, was an attempt to break up the reservation areas and force the Indians into the mainstream of American life. The act had originally been submitted to congress by Senator Henry L. Dawes of Massachusetts, and when finally enacted to law, provided for tribal lands to be given out to individual members in tracts of forty, eighty or one hundred sixty acres called allotments. Indians who took the allotments would be under both civil and criminal laws of the state or territory in which they lived. The act also provided for the Secretary of the Interior to purchase all surplus lands remaining on the reservations after all eligible Indians had received their share. The money paid for this surplus land was to be used for education and civilization of the tribes. If an Indian refused to select an allotment, a federal agent was given the power to do it for him. Under the law, allotments could not be sold for twenty-five years, and no land tax was to be paid during this period of time. Only at the end of the twenty-five year period would the Indian receive full ownership of his allotment and United States citizenship.

It would be many years before the Navajos were affected by the Dawes Act, and then the lands involved would be public domain lands rather than the reservation lands indicated under the original act. The allotment agent for the Navajos did not arrive to put the act into effect until 1905, and by then many of its provisions had been modified or completely changed.

During the same year, 1887, a throat infection epidemic swept across the reservation, killing almost one thousand Navajos before it ran its course. For the first time since their return from Fort Sumner in 1868, the Navajo population experienced a decrease.[8]

Patterson did not prove to be a popular agent with the Navajos, and just before he was removed from office a council was held by the Navajos in the eastern part of the reservation. The council was attended by 50 headmen with Manuelito presiding. Following the meeting, Manuelito reported on the results of the council, stating that the Navajos wanted an agent;

> . . .who is strong, one who carries out his promises to the Indians, and who is not afraid to get on a horse and go over the reservation to see his people and find out how they live, and what they do that is bad, and what they do that is good. My people (Manuelito stated) call Major S. S. Patterson an Indian name which means "smells his moustache" and the Indians do not respect those who they call such funny names. They say he is too weak to be an agent . . . My people all like Mr. Vandever, the chief of police, and they believe that if he was made agent, he would be like an Indian . . . If Mr. Vandever becomes our agent we will do all we can to fill the school at the agency.[9]

Charles E. Vandever, 1889-1890

In January 1889, the Navajos got their wish when Agent Patterson was replaced by a former police chief of Terre Haute, Indiana, Charles Vandever. Vandever inherited the growing problems of white prospectors coming illegally onto the reservation to prospect, and a prospector named Swift, who ignored Vandever's warnings not to come onto the reservation, was killed by the Navajos. Swift's death at the hands of the Navajos did not stop the prospectors from entering the reservation and in March 1890, Vandever was forced to ask the Commissioner of Indian Affairs for permission to use federal troops to remove thirty-five white prospectors in the Carrizo Mountains who refused to leave the reservation. Permission was granted and the troops escorted the thirty-five men off the reservation. The prospetors were warned

120

Diné Ts'ósí of Chinle, Arizona.

(Courtesy Museum of New Mexico)

that if they returned they would be fined $1,000 each.[10]

During quieter times, Vandever reported that the new sawmill given to the Navajos by the Department of the Interior had arrived. The sawmill had been set up about twelve miles from Fort Defiance where plenty of timber was available and had begun operations.[11]

While Vandever was in office, the first careful water survey was made

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on the reservation. This survey, carried out by Lt. Stotzenberger of the United States Army, proved to be of great help in later years when new water projects were started in Navajoland.

David Shipley: 1890-1893

One of the most disliked agents to serve the Navajo people before 1900 replaced Vandever on December 19, 1890. The new agent, David (Dana) Shipley, quickly ran into trouble on the reservation in an attempt to enforce the 1887 Compulsory Indian Education Act.

In July 1891, Agent Shipley informed the commissioner of Indian Affairs that a council had been held with some 700 Navajos attending. The Navajos had, Shipley reported, promised to provide 100 children for the Fort Defiance Boarding School, in addition to those already enrolled there. Whether this council ever took place is not known, but by 1892, Agent Shipley attempted to get the Navajos to send their children to the boarding school.

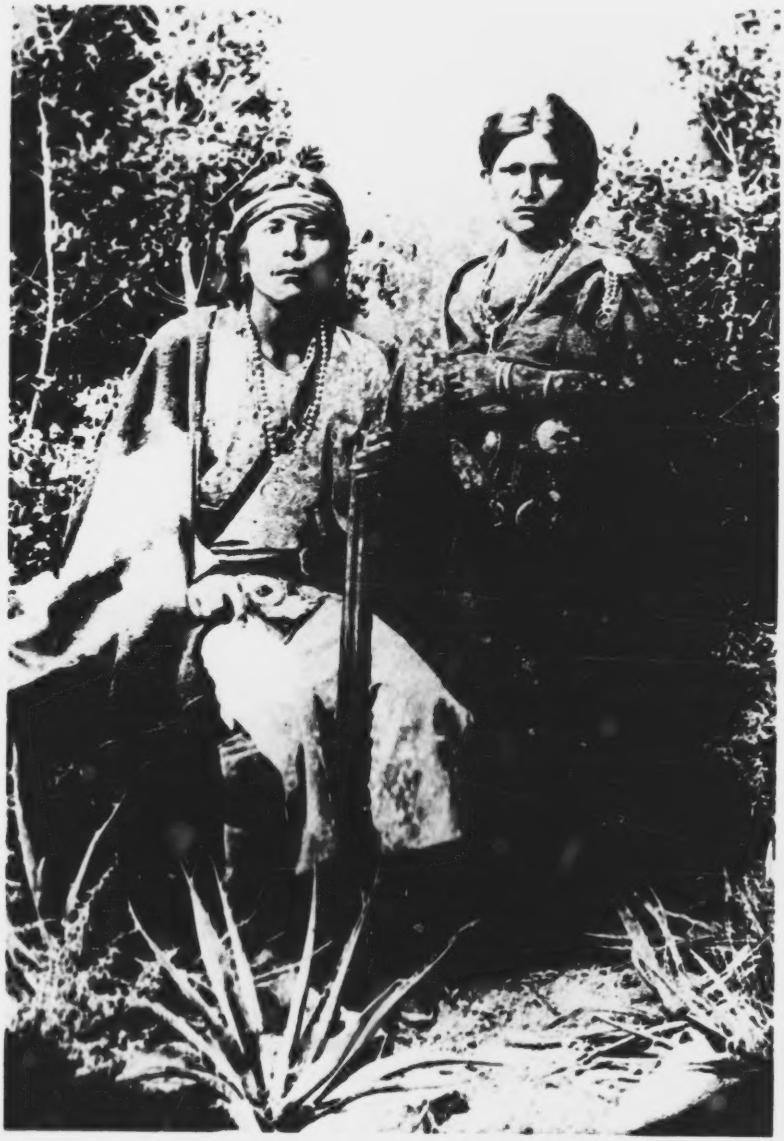
The Navajos in the Fort Defiance area were not opposed to school in general, but they were strongly opposed to the particular treatment the children at the Fort Defiance Boarding School received. The Superintendent of the school, Mr. Wadleigh, called Billy Goat by the Navajos, had used unusually cruel punishments on the children attending the school. They would not, they said, send their children to such a place to be mistreated.[12]

Shipley in his efforts to carry out the law and fill the boarding school to capacity began going out on the reservation to get the children. In one trip to the Round Rock area, he was accompanied by a party of ten men which included Chee Dodge, a partner in the Round Rock Trading Post; Interpreter Frank Walker; the school teacher; and seven policemen. Before reaching Round Rock, the party divided into three groups. One group was to go to the Canyon de Chelly area while another was to go to Black Horse's camp. The groups were to instruct the people to get their children ready to be taken to the boarding school at Fort Defiance. Shipley, heading the remaining group, proceeded on to Round Rock.

Shortly after this group, made of up of Chee Dodge, the school teacher and three policemen, arrived at the Round Rock Trading Post, the headman **Biłį́į́ Łizhinii**, known as Black Horse, arrived. Black Horse, a dominating man who was very influential in his area, also had a decided dislike for the white man.

Following Agent Shipley's announcement that he had come to collect thirty-four children from the area for the Fort Defiance Boarding School, and the fact that the Navajos would be punished if they did not obey and send their children there, Black Horse angrily stated his objections.

The school was well known as an overcrowded place with bad food and cruel treatment for the children. The school must be closed, Black Horse said,



A Navajo couple, Pedro and Anselina, ca. 1880's

(Photograph by Ben Wittick, Courtesy Museum of New Mexico)

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and the children there returned to their homes. Also, the agent along with all traders should be driven off the reservation. Black Horse then told Shipley that the Navajos would kill him if he tried to take any children to the school.

The situation soon turned into a free-for-all, with the Navajos rushing Shipley, grabbing him and dragging him outside the trading post where he was beaten and his nose broken. The Navajos threatened to throw Shipley off a cliff into a dry wash below, but Chee Dodge, a policeman, and Charles Hubbell, managed to free the agent and get him back into the store. Inside the trading post, they locked and barricaded the door. Later, one of the policemen managed to escape and headed back to Fort Defiance to get help.

For thirty-six hours, the agent and his party were kept penned inside the store. The agent tried to talk to the angry Navajos outside during the night in order to get them to stop and leave. The siege was finally ended when Lieutenant Brown and ten soldiers arrived at the Round Rock Trading Post. The agent then returned to Fort Defiance, but without the children he had expected to gather up.[13] Thus ended what was to become known as the "L'Affaire Black Horse".

In January, 1893, Agent Shipley was informed that he was relieved of his duties as Navajo Agent. The military would take over the Agency.[14]

Lt. Edward Plummer: 1893-1894

Lieutenant Edward H. Plummer, an educated and wealthy man, was made acting agent in April 1893 and remained until November 1894. The new agent soon displayed his ability to handle problems on the reservation. He was well liked by the Navajo people and he in turn had a genuine interest in their welfare.

It was left to Plummer to straighten out the problems created by former agent Shipley and ease the tensions that had grown out of the Black Horse Affair at Round Rock. As agent for the Navajos, it was still his duty to try to get children into the Fort Defiance Boarding School.

During Plummers term as agent, conflicts between the Navajos and Anglos continued to arise, especially in the San Juan River area. The Navajos living in that area were in great need of economic help. That portion of the reservation was barren and many Navajos were forced to turn to stealing in order to survive. Others moved onto off-reservation lands where they met stiff resistence from the Anglos who used these areas for their own livestock.

A major incident between the Navajos and the Anglos occurred in 1894, at Jewett, a small settlement near present-day Kirtland, New Mexico.

The incident began when a Navajo man **Nees K'ahá**, argued with a white man named Welch over the redemption price of some pawned beads. According to McDonald and Arrington in their book *The San Juan Basin,*

Black Horse (Bilii'Lizhinii) and Taiyoonihi (Squeezer) in 1905. Black Horse led the opposition against sending Navajo children to boarding schools in 1892.

(Photograph by Simeon Schwemberger, Courtesy Museum of New Mexico)

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the fight took place in Welch's alfalfa field which he was irrigating. Welch was reported to have hit the Navajo over the head with a shovel he had been using. The Navajo then shot and killed Welch. Later, after Nees K'ahá had fled, a man from Fruitland, Clay Brimhall, rode to Durango to telegraph for troops to be sent from Fort Wingate.

Agent Plummer went to Jewett to investigate the matter, sending word for **Nees K'ahá** to surrender. The Navajo did as Plummer asked, and through an interpreter, confessed to the crime. He later escaped and, with his wife, went into hiding.

Lieutenant Plummer sent five Indian policemen to find **Nees K'ahá**, but he managed to resist being captured. At first the Navajos in the area refused to help Plummer or the police in locating the wanted man, but when the Agent asked that troops be sent in, they agreed to help find the killer.

Nees K'ahá finally surrendered on April 30, and was taken to jail at Aztec, New Mexico. He was later tried, found guilty of murder, and sent to the state prison at Santa Fe.[15]

The incident upset the entire area and caused more hostility between the Navajos and the whites along the San Juan. The situation was especially hard on the Navajos living off the reservation in that area because it brought new demands from the New Mexico and Arizona legislatures that they be forced to return within the boundaries of the reservation. Thus many Navajos were forced to move back onto barren lands, already overcrowded and overgrazed.

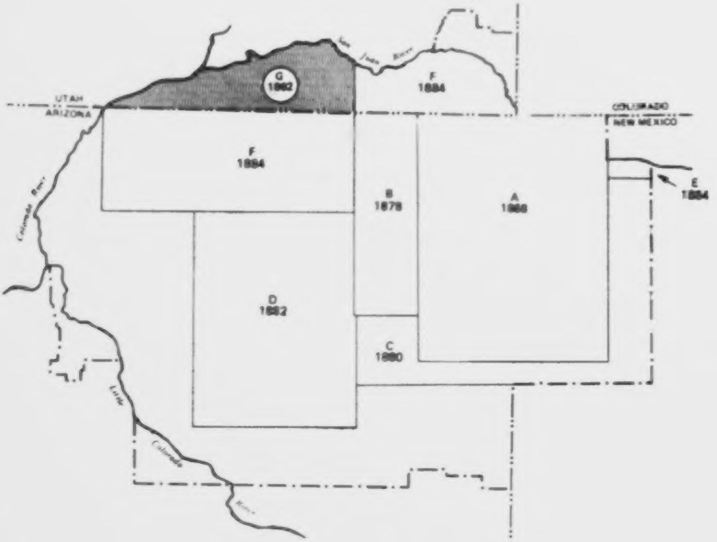
The problems between the Navajos and the whites were not confined to the San Juan country. On March 17, 1894, Agent Plummer reported that Mr. D. H. Smith, a storekeeper, living near Defiance Station on the Atlantic and Pacific Railroad was murdered by Navajo Indians. Smith was shot, stabbed and his throat was cut. Later on March 25, Pinto, headman of the Navajos in the area, captured the three Navajos who were believed to have committed the murder. Troops accompanied the prisoners to Gallup to prevent their being hanged by the outraged people of the area. The Navajos were held in Gallup to await the decision of the Grand Jury and were later taken to Albuquerque and jailed.[16]

Earlier in 1882, while Shipley was still agent, trouble had erupted between the Mormons, the Navajos and the Hopis. The Mormons had come to the Moencopi Wash in 1875, and settled on lands belonging to both the Navajos and the Hopis by prior use as well as by law. The Mormons built the settlement of Tuba City, named for Tuba, the Oraibi chief of the Hopis. In the conflict over these lands, the Mormons were opposed by the Indians and the dispute ended with the killing of a Mormon, Lot Smith, about two miles north of Moencopi. **Chaats'óóz,** the Navajo who killed Smith, was later brought to trial but released when he claimed he had acted in self-defense.[17]

These disputes with the Mormons continued to plague Lt. Plummer during his term as agent and it was not until 1896, that the Moencopi dispute over land and water rights was finally settled. In 1900, following a recommendation by Navajo Agent Constant Williams, the Indian Office took action and included the Mormon lands in a western extension for the Navajo Reservation.

During these troublesome times, Lt. Plummer, like other agents who served before him, asked for extensions of the reservation boundaries, extensions that were necessary to provide more room for the growing Navajo population and their increasing livestock. These new lands would, the agent reported, help relieve the overgrazing problems and help restore the Navajos' economy. This plea, like many others before it, went unanswered until the beginning of the twentieth century.

While no land was added to the reservation, some was taken away. In 1892, a section of the Executive Order lands of 1884, known as the Paiute Strip was restored to the public domain. This action came as a result of pressure brought by prospectors and mining interests who had long desired the chance to explore the area for mineral deposits.



Navajo Reservation in 1892.
(G) Paiute Strip area of the 1884 Executive Order addition. Returned to the public domain by Executive Order, 1892. Restored to the reservation in 1908. Returned to the public domain in 1922. Restored to the reservation in 1929. Became a permanent part of the reservation in 1933.

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127

Chicago Exposition

While acting as agent for the Navajo people, Lt. Plummer arranged for a group of them to go to Chicago to visit the Columbian Exposition in 1893.

In the barren, windswept lands of the Navajo Reservation, the mesas, deserts, and mountains made up the Navajos' world. Except for a few important headmen who had visited Washington D.C., very few of the **Diné** were familiar with the world outside the boundaries of the reservation. This lack of knowledge about the outside world and the size and power of the United States prompted Plummer to arrange the trip. With the help of the Indian Rights Association, who financed the trip, the Navajos went to the fair.

The small group made up of eleven men, one girl and two boys, left for Chicago on October 21, 1893. The group had been selected by Plummer and probably represented the areas of the reservation fartherest from contact with the outside world. It is also possible that several young men who were being rebellious toward reservation conditions at this time were included in the group. Whatever Plummer's reasoning for selecting people he did, he wanted them to see something of the educational methods of the Anglo world. The Exposition would show the power, extent and advantages of American technological society.[18]

Other groups of Navajos also made the long journey by train to the Chicago Exposition. One group went as part of the Ethnological Exhibit which was set up to show the different cultures to be found within the United States.

One group included **Béésh Ligaii**, a silversmith; Mrs. Walker, a laundress at the Fort Wingate Boarding School; Cheeno, a woman relative of Mrs. Walker; Ned Manning, a school boy, and his sister. Members of this group were paid to be part of the exhibit.**Béésh Ligaii**, Mrs. Walker and Cheeno, were paid $25 each and all traveling expenses. The boy and girl received $10 a month and all expenses paid.[19]

Another group made up of nineteen Navajo headmen also attended the Exposition accompanied by Agent Plummer. This group included Chee Dodge and Lewis Watchman of Fort Defiance; **Béésh Ligaii**, a silversmith from Crystal; Juanica and Chief Sandoval of Shiprock; Yodeatapai, Charlie Mitchell and Wendell Wedo from Chinle, Hastiin Nééz, Chief Many Horses and a few others. One of the men related the experiences the group had on their trip, which appears in Coolidge's book *The Navajo Indian.*

"Some Navajo men and women were already in Chicago with Buffalo Bill's show. On the way one of the old men said, 'See how the white men take care of the earth. They have it all fenced and cultivated'. They were ashamed of the Navajo hogans after seeing the houses that the white people built and lived in."

"When they arrived in Chicago they rode on the elevated (train) to the fairgrounds and had their breakfast . . . Many Horses was a great runner and he ran to amuse the white people. They shot at dimes and quarters with their bows and arrows and danced the Yeibichi and made lots of money. A tramp begged from them and they gave him $3, $4, $5, dollars apiece, as much as $39 all together. They traded their blankets for Buffalo robes. One old Indian was scared of a stuffed polar bear. He thought the bear would bite them. All the Navajos were very much excited. Lt. Plummer took them to see the first locomotive and lots of old fashioned things and to see how cartridges were made and how money was made in a machine just like counting money and to see cider made from apples. Sample bottles of whiskey were given to them at one place. Old Juanica got lost on the elevated, kept going round and round and got put off at last at Buffalo Bill's show where there were some Comanche and Sioux. Lt. Plummer hunted him up but old Juanica was offended because he did not come sooner and he would not go anywhere. Plummer took them to see the stockyards. They saw cattle moved along, hit on the head, and skinned by machinery and they saw sausages made. When they went in to see the frozen carcasses they began to sneeze and thought the Chin Dis [sic] (devils) were after them until Plummer showed them the ice. They went to visit the Mayor of Chicago who made a speech and shook hands with them. Hosteen Yazzie spoke for the Navajos and said, "We have nothing like the white people. The medicine man used to say that they traveled on lightning but we have not the power. The white people do it now."

"When they got back to the reservation a crowd of Navajos met them. They told the people how great the white people were and they ought to send their children to school. Before that they had been sending only slaves and cripples to school but now they sent their best children. 'We might as well be good' they said."[20]

The trip to the Exposition to expose some of the Navajos to the white man's world and the value of education made a lasting impression upon some of them. Schooling for all Navajo children would still be a long way in the future, but the idea had been planted. More and more of the Navajos would begin to see the advantages of education for their people.

On August 8, 1893, special orders were issued from the Commissioner's Office in Washington, relieving Lt.Plummer of his duties as Navajo Agent. The employees and residents of the agency drew up a petition, which they sent to Washington, asking that Plummer remain on the reservation as the agent. Commissioner Daniel M. Browning, believing that Plummer's replacement had already taken over, informed the agency that it was too late to keep Lt. Plummer as agent. The Navajos, not willing to accept this situation, held a council on September 29. Manuelito and other headmen attended the meeting which ended with Chee Dodge telegraphing the Commissioner that the Navajos wanted Plummer to remain as their agent. Following this request the War Department, which had final control over Lt. Plummers activities, changed its orders and the agent remained at his duties on the reservation.[21]

Before he resigned on November 14, 1894, Plummer recommended that all water sources be developed on the reservation and that the boarding school at Fort Defiance be made into a vocational-industrial school. Plummer had been an excellent Navajo Agent. He had successfully handled many of the problems which had arisen on the reservation. He had helped expose some of the Navajos to the world outside of the reservation by taking them to the Chicago Exposition, and he had succeeded in getting many Navajo parents to send their children to school.

Captain Constant Williams: 1894-1898

Lt. Plummer was succeeded by another army man, Captain Constant Williams, who served as agent until October 14, 1898. During his term as agent trouble broke out to the west of the reservation. Continuing efforts were made to force the Navajos back onto the reservation, and in Coconino County, Arizona, the County Board of Supervisors took action to drive the Navajos out of their area. Using the argument that the Navajos had not paid a new tax of five dollars on every one hundred sheep, the officials forced sixteen families, headed by **Bééshłigaii Atsidí** , from their winter homes west of the Little Colorado River. It was winter and when the officials drove the Navajos' flocks of sheep into the cold water of the Little Colorado River, they perished.[22] Public opinion was in favor of the Navajos, but it was not until 1906 that **Bééshłigaii Atsidí** was able to take his people back into the area. No efforts were ever made to pay the Navajos for the loss of their homes or livestock.

In 1897, some trouble occurred at Navajo Springs, Arizona which brought out the troops from Fort Wingate. The incident happened following a payday on the railroad. A gambler named Landreth gave whiskey to the Navajos. Later Landreth quarreled with a Navajo man and finally shot and wounded him. This action caused about twenty Navajos to attack and kill Landreth. The sheriff attempted to arrest the Indians, but withdrew fearing a general attack upon the white people of the area. Troops from Fort Wingate were summoned and they arrested four Navajos who were held for trial.[23]

Not all incidents which occurred during this period were serious. In 1900, the Western Union Telegraph Company complained that one of its important lines to the Pacific Coast was interrupted because of the Indians stealing the wire in the vicinity of Grants Station, New Mexico. Navajo Agent George Hayzlett investigated the situation and discovered that the "wire stealer" was a Navajo boy less than ten years old. The boy admitted to cutting the copper wire and using it for making bracelets. The young man was taken into custody, but was quickly released when he promised not to become a "wire stealer" again.[24]

Footnotes

[1] Frank McNitt, *The Indian Traders* (Norman: University of Oklahoma Press, 1962), pp. 182-183.

[2] *Ibid.*, p. 185.

[3] Richard Van Valkenburgh and Clyde Kluckhohn, *Navajo Indians III* (New York: Garland Publishing Inc. 1974), p. 259.

[4] *Historical Calendar of the Navajo People*, comp. J. Lee Correll (Window Rock, Arizona: Navajo Tribal Museum, 1968), November 5, 1887.

[5] *Ibid.*, February 7, 1887.

[6] *Ibid.*, March 21, 1887.

[7] Francis Paul Purcha, *American Indian Policy in Crisis* (Norman: University of Oklahoma Press, 1976), pp. 252-253.

[8] Robert Young, *The Role of the Navajo in the Southwestern Drama* (Gallup: The Gallup Independent, 1968), p. 51.

[9] *Historical Calendar, op. cit.*, November 28, 1883.

[10] *Ibid.*, March 25, 1890.

[11] *Ibid.*, August 9, 1889.

[12] Young, *op. cit.*, pp. 51-52.

[13] McNitt, *op. cit.*, pp. 279-280.

[14] *Historical Calendar, op. cit.*, January 25, 1893.

[15] Eleanor McDonald and John Arrington, *The San Juan Basin; My Kingdom was a County* (Denver: Mido Printing Co. Inc., 1979), pp. 63-64.

[16] *Historical Calendar, op. cit.*, July 17, 1893.

[17] Van Valkenburgh, *op. cit.*, p. 38.

[18] Edward Spicer, *Cycles of Conquest* (Tucson: University of Arizona Press, 1962), p. 225.

[19] *Historical Calendar, op. cit.*, June 17, 1893.

[20] Dane Coolidge and Mary Roberts Coolidge, *Tha Navajo Indians* (Boston: Houghton Mifflin Co., 1930), p. 248.

[21] *Historical Calendar, op. cit.*, August 8, 1893.

[22] *Ibid.*, January 19, 1894.

[23] *Ibid.*, September 7, 1890.

Chapter 10

A TIME OF CHANGE

The Navajos: 1881-1900

The period between 1881 and 1900 proved to be one of tremendous change for the Navajo people. New ideas and inventions flooded onto the reservation and entered the traditional Navajo culture from many sources. It was a period of problems too, for no culture can withstand change without its accompanying disruptions.

It was during this period that American scholars began to take an interest in the Navajos and their culture. Writers recorded that the Navajos had made great strides forward since their days at the Fort Sumner Reservation. Their numbers had more than doubled by the turn of the century, and their livestock had increased from almost nothing to over 1,350,000. Since 1868 the **Diné** had managed to increase their wealth beyond any acquired before in their long history.

The arts and ceremonies of the Navajo culture were now being written about, and their fame spread far beyond the boundaries of the reservation. These writers recorded the fact that much of the Navajos' culture, like most other cultures, was a blending of ideas and customs which they had picked up from their association with other groups of people. From the Pueblos, they had acquired much of their early information about agriculture. The Spaniards had introduced sheepherding, and the Pueblos and traders brought a greater knowledge of weaving. Silverwork came as a result of the Mexicans, and the Spanish Americans evolved new customs which the Navajos adopted.

While each group contributed something to the Navajos, they in turn took these ideas and skillfully blended them into their own culture. They succeeded in giving it a new character, uniquely their own.

The early contributions of the Americans however, would be somewhat different from the others. In other instances the Navajos had been free to choose or reject new ideas as they pleased. Many of the American ideas were forced upon them. The blending would take more time and create new problems as the Navajos moved toward the twentieth century.

Growth Within the Reservation

During this period, the Navajo population was increasing but no one really knows by how much. The geographic conditions of the reservation as well as the nomadic life led by the **Diné** made it impossible to make an accurate census. Also, the great number of Navajos who lived off the reservation made it difficult to do more than estimate the population at any one time.

These estimates of the Navajo population changed often, depending upon the person or the office making the estimate. For example, in the late 1870's, Agent Irvine placed the population at 12,000 to 15,000 persons,[1] but in 1881, Agent Galen Eastman considered this too low and raised it to 16,000. In 1884, Agent John Bowman raised the estimate to 17,000.[2] The first Navajo roll call was made in 1885, but it represented only those Navajos who were living within the boundaries of the reservation. This roll call, placed the population at 13,000 people living on the reservation and estimated that an additional 8,000 were living off the reservation. The roll call placed the total Navajo population at about 20,000.

Other estimates included one made by Agent C. E. Vandever, who in 1888, placed the population at 18,000, while the bureau of Census estimated the number to be 17,604. Agent E. H. Plummer in 1893 raised this estimate again to 20,000, which was agreed upon by officials and this number remained stable at 20,000 until 1910.[3]

Livestock Increase

Just as unreliable as the population count, were the estimates of the number of sheep and other livestock owned by the Navajos. In 1886, Agent Samuel S. Patterson reported that the Navajos held approximately 800,000 sheep and 300,000 goats. This estimate was changed somewhat in 1889, when Agent Charles E. Vandever gave a report which estimated the Navajo livestock count at 700,000 sheep, 200,000 goats and 1,000 head of cattle, burros and mules.[4]

Whatever the exact figures, in many places, the problem of overgrazing had begun to appear in the 1800's. This overgrazing led to erosion and the breakdown of the land which became worse as the years passed.

Efforts were made as early as 1883 to help solve the Navajos' problems which revolved around the number and quality of the livestock they held. This attempt to reduce the number of sheep held and to replace them with a strain of better quality which would produce greater wool yields, along with larger and healthier animals, met with little success. It was a difficult idea for the Navajos to accept. In Navajo society, quantity, not quality, represented wealth.

New ways to help the Navajos care for their flocks also made their appearance during this period. The Navajos began to dip their sheep about 1896, following an outbreak of the scab, and sheep dips or swimming baths were built at different places around the reservation. The idea of dipping sheep was slow to catch on among the Navajos, but once it was accepted, it became a common and widespread practice across the reservation.

Nature provided a partial answer to the over grazing of the reservation in the 1880's and 90's, but also created many hardships for the people. In 1881 a severe snowstorm and intense cold froze what agent Frank T. Bennett estimated to be about 10,000 sheep.[5] Also, droughts and then floods occurred, followed by an early frost in the same year. These conditions brought more misery for the Navajos. This was followed by another drought in 1893, which caused great suffering. People were starving because of bad crops and the loss of many animals. In 1894, there were more problems and many people had to kill their animals in order to survive. The year 1900 was another time of bad crops. The Navajos were entering the 1900's with a record increase in both human and animal population and with a series of agricultural failures which would have destroyed a lesser people.

Other Changes and Services: 1881-1900

Originally, postal service in the Navajo country for military personnel had begun in 1856 with the opening of Fort Defiance. When the fort was reopened in 1868, postal services were started again and spread rapidly as the railroad moved across the southwest. The trading posts later acted as post offices and this link between the Navajos and the outside world soon became a fixed tradition on the reservation.

As contacts between the outside world and the Navajos increased, and especially as Navajo children began to enter school, the possession of both a family and a given name became increasingly necessary. In the period before the coming of the white man's schools, many Navajos who were in frequent contact with Spanish speaking people used Spanish names. Traders frequently gave names to their customers and school teachers gave new names to their pupils, often using names from classical literature and the Bible.

Robert Young in the *Navajo Yearbook, 1951* states that,

> In some instances teachers attempted to Anglicize words that they took to be family names. Inquiring about the name of a new pupil, the teacher might find him identified as Hastiin Atsidi Biyé, Son of Smith. Taking the Navajo word Biyé for son, to be the family name the teacher might Anglicize it to Begay, a name which has become extremely common on the reservation. Similarly, the nickname Hastiin Yazhi, or Little Man, might be taken to be composed of Hastiin as a given name and Yazhi as the family name, when in reality, Hastiin means man and Yazhi means little. Yazhi or Yazzie, like Begay, has become a very common family

134

> name, and both probably owe their usage in this capacity to misunderstandings on the part of the namegivers. Sometimes Navajo words forming parts of nicknames were translated into English. Thus, Atside may be found both as Atsiddy, Etsiddy, or Smith; Neez may be found at Nez or as Long.[6]

The isolation of the reservation and the social structure of the Navajos helped to keep crime at a low level, especially before liquor became available. The agents, for the most part, relied upon the military to keep order, and continued to do so for a great many years, especially when the cases were really important.

The use of the Navajo police force for stopping the sale of intoxicating liquors and for putting down other kinds of lawlessness on the reservation proved to be a good idea. However, the best men were not always ready to join the police force as the pay was less than adequate. In 1883, the pay allowed by Congress was only $5 a month and was raised to only $8 a few years later.

The 1880's and 1890's also saw intensive efforts on the part of the Indian Bureau to carry out the provisions of the 1868 Treaty and solve the problems which the Treaty Reservation had created.

The Treaty of 1868 had promised to provide rations to the Navajo people for a period of 10 years and beyond, according to need. Over the years the simplicity of this provision was many times turned into disaster. Contracts to supply rations to the Navajos were sometimes given to crooked and corrupt contractors. As a result, goods were often inferior or spoiled when they arrived on the reservation. Some were downright ridiculous. An example of this is seen in the 1881 shipment of sixty four dozen lead furniture castors in wooden barrels. The Navajos refused the castors which they had no need of, but gladly made use of the more practical wooden barrels. Also high heeled, buttoned shoes, with sharp pointed shoes were sent to the reservation. The Navajos, ever practical, simply knocked off the high heels and converted the shoes into a usable article of footwear.[7] These problems concerning rations might appear funny by today's standards, but to the people of the late 1800's whose lives depended upon good quality, usable rations, it was a very serious situation.

In Feburary 1881, the Atlantic and Pacific Railroad began its work south of the reservation. With the coming of the railroad, a tremendous new influence was felt by the Navajos. The world of the white man was slowly moving closer to Navajoland.

The coming of the railroad brought the "boom towns" in its wake. These mushrooming settlements bootlegged liquor to the Navajos and created untold misery for many Navajo families who fell victim to the intoxicating effects of whiskey. Gallup, New Mexico, named for D. H. Gallup, a paymaster of the railroad, became the largest and most easily reached of these new "boom towns".

Many Navajos took jobs with the railroad, carrying materials, wood and water for the tracklayers. Neither they nor the rest of their people knew how the "iron horse" would change their lives.

Ruth Underhill states in *The Navajos*, that at the time of the coming of the railroad, the Navajos,

> were still living comfortably in conditions comparable to those of the Middle Ages, as were most of the people of New Mexico, in their various ways. Earth covered homes, water carried by hand, hand-loomed clothing, coiled pots, hand-hammered jewelry, transportation on horseback over roadless country, and wealth measured by the size of flocks and herds, . . . this was the situation for almost everyone and the difference between Indian and white was that the Red man simply had a little less of some things.[8]

The railroad also had its impact upon the style of the traditional hogan on the reservation. The railroad ties, discarded by the railroad, were taken to build hogans which were hexagonal, six sided, in shape.

The agents, in the midst of all these changes, had their own problems. They could not speak Navajo and had to depend upon interpreters. The government refused during this period to increase the pay for interpreters. Chee Dodge and John Navajo, who were working in 1882, received only $300 a year in wages. Navajo Agent Galen Eastman, knowing the value of good interpreters who could translate directly from Navajo to English, tried to get their pay increased to $720 per year, but failed.

In 1882, the Indian Rights Association was established in Philadelphia, Pennsylvania. This organization and others like it were formed to help the Indians in their struggle for civil rights and fair treatment. These groups carefully inspected government Indian policy and programs, looking upon the Navajos as being representatives of American Indians everywhere.

Better health care for the Navajos was becoming a reality prior to 1900. In 1870, vaccinations for smallpox had been carried out, but the disease had not been wiped out. In 1882, the disease broke out again causing several deaths. This was followed in 1883 by a measles epidemic which took several lives.

A throat infection epidemic spread across the reservation in 1887, killing about 1,000 people before it was brought under control. 1899 saw another outbreak of smallpox which killed an average of four persons per day until it ran its course.[9]

Effort to bring better health care to the Navajos and help prevent these epidemics caused the Indian Commissioner to state that the number of doctors must be increased on the reservation. The Navajo Reservation covered 12,000 square miles, had a population of 18,000, and only one doctor.[10]

The first application for a hospital on the reservation was made on October 20, 1894. The application was approved and the Good Shepherd Mission and Hospital opened at Fort Defiance, with its first Navajo patient admitted on March 2, 1897.[11]

As the turn of the century drew near, the Navajos had grown rapidly in population and had begun the transition to a cash economy. They had begun sending their children to school and had redeveloped a fine talent for weaving rugs and creating beautiful silverwork.

They also faced many problems. There was a need for more educational facilities on the reservation. A chronic shortage of grass and water to sustain their sheep and other livestock existed. A need to find other sources of income for the people continued as well as a drastic shortage of adequate medical care. But most importantly, there remained the increasing need to find new ways to accept the best and reject the worst of Anglo society as it moved closer to their lives.

Education: 1868-1910

Formal classroom education was promised to the Navajos by Article IV of the Treaty of 1868. The government had agreed to provide one teacher for every thirty Navajo pupils between the ages of six and sixteen who could be made to attend school.

Before this time, the Navajos had not come into contact with the idea of schools to teach their young. Navajo boys and girls were educated in the traditional way by their family or the extended family. Here they received an education which prepared them for the lives they were expected to lead. They were taught how to live within their own society, its rules and taboos, as well as how to make a living from crops and livestock in the time honored, traditional way. The role of a man was taught to the boys while the girls received continual training in the role of women within the group. Each, according to his age, was expected to assume certain duties and work along with the adults in all aspects of family life. The modern theory of "learn while doing" had long been a part of a young person's education among the **Diné**. How else were they to learn what was expected of them except by actual participation and practice? The young people were not set aside from the group as a separate part, but were permitted and encouraged to join the adults in work, social life and certain ceremonials. They learned cultural values through everyday activities as well as through the stories, legends and ceremonials of their people.[12]

John Collier expressed the importance of the family in passing on its cultural values to the younger generation in his book *The Gleaming Way*, stating that,

> The life treasure of the Navajos lies in the family, the extended family, the local community, the religious functionings, the healer singer and his many helpers, the deviner, the wondrous ceremonies, the union of faith and joy, the many cooperative commonwealth of souls.
>
> Here personality is formed, values and life attitudes are established, self-discipline and gallant bouyancy of spirit, that 'radiancy' of the Navajo are communicated from man to man and from elder to the younger generation. Here the genius, the very existence of the Navajos is found.[13]

Completely different from the traditional ways of education were those of the now dominant Anglo society. The basic educational policy of the federal government which now controlled their lives was that of assimilation and acculturation. Teach Navajo children the white man's culture and then assimilate them into the mainstream of American life. Break up the Indian's allegiance to his people. Send in missionaries and teachers to open missions and schools to teach Christian religion and change the Peoples' old cultural beliefs. In short, start with the children and begin to train them away from the old ways and all desire to follow a traditional way of life.

The federal government's promise to provide schools for the Navajos was partly carried out when the first school was opened on the Navajo Reservation in 1869. The one room school was located in an old adobe building at Fort Defiance with Miss Charity Gaston as the first teacher. The school could not be considered as a public school, because it was run by the Presbyterian Board of Home Missions. It was the policy of the government at this time to make contracts with different churches to provide for Indian education on the country's reservations. Miss Gaston's salary, however, was paid by the federal government rather than the Presbyterians who held the contract for the Navajo Reservation.

Not much was accomplished in formal education during the 1870's, mainly because of the strong traditional life led by the Navajos. The white man's methods of education were foreign to them. Their ways had always been followed, what more was needed?

Some Navajos though, would begin to see the value of a formal education before others. Manuelito was one of these. His contacts with the white man and the world outside the reservation caused him to state:

> My grandchild, the whites have many things we Navajos need but cannot get. It is as though the Whites were in a grassy valley, with wagons, plows, and plenty of food, we Navajos up on a dry mesa. We can hear them talking, but we cannot get to them. My grandchild, school is the ladder. Tell our people this.[14]

The value of this wise man's advice is still with us today, yet it would be many years before his advice would be willingly followed by the Diné.

The Boarding Schools, 1868-1900

Education for Indian children had from colonial times been guided by two major goals, the "civilizing" and "Christianizing" of the Indians. These two goals met with little success because attendance at the schools was very poor. Thus was born the idea of removing Indian children from their homes to help speed up the process of fitting the Indians into white society.

The idea of removing Indian children from the daily influence of their culture belongs to the Reverend Eleazer Wheelock. Captain R. H. Pratt, however, is given the credit for putting the boarding school idea into actual practice.

Pratt had started a school for Cheyenne and Kiowa Indians while these groups were being held prisoners in Florida. The school proved to be so successful that in 1878, when the Indians' three year prison sentences were up, a number of young Indians asked to remain in the east and continue their educations.

In 1879, Captain Pratt managed, with the help of the Secretaries of War and the Interior, to get the buildings of the old military post at Carlisle, Pennsylvania for use as an Indian school. The Carlisle Boarding School opened on November 1, 1879, and soon became the model for other large boarding schools around the country until its closing in 1918.

The enrollment at Carlisle grew rapidly and by 1885, it had reached 543 students. The Southwestern Indian tribes were represented by six Navajos and ninety-two Pueblos.

The accepted theory of Indian education at the time had become the philosophy of Captain Pratt, who stated that, "To civilize the Indian, put him in the midst of civilization. To keep him civilized, keep him there."[15] Using this educational philosophy, the goal of the early boarding schools was to take Indian youths from their homes and allow little or no contact with their Indian cultures. This would in effect gradually help replace the children's traditional culture with that of the Anglo.

The Indian, it was felt, should be gradually assimilated into the mainstream of American life and through close contact with white American culture, he would gradually accept these ways and his own traditional ways would grow foreign to him.

This theory of acculturation was to be carried out in the new boarding school concept introduced by Captain Pratt and supported by a great number of educators and politicians of the period. By following the federal government's policy toward the Indians, it was hoped that through the allotment of land, the Indians would learn economic self reliance. It was also hoped that through the education of their children they would soon become individual land holders following the whiteman's culture and way of life.

In order to carry out this acculturation philosophy, Pratt devised the "Outing System" which placed Indian students with white families during the summer vacation instead of sending them home where they would again come into contact with the culture the school was trying to replace.[16]

The boarding school idea was gradually to become the dominant one in Indian education, replacing the day schools which had not had any important results up to that time. All educators however, did not agree with the concept of the boarding schools.

In 1881, Commissioner Hiram Price, a former businessman, expressed a viewpoint quite different from that of Pratt and other boarding school supporters. Price's philosophy maintained that it was now a common belief that the boarding school should replace the day schools and that training schools, far from Indian country, ought to replace those located among the Indians. But Price felt that Indian education in the future should be by a system of district schools that would be established in Indian settlements which would serve as centers of knowledge for those neighborhoods. These district schools would also give suitable employment for those students who had finished school, something which the boarding schools were not prepared to do.[17]

Other opponents to the boarding school idea, stressed the small number of Indian children which the schools served. They stated that many of the students were forced to "Return to the Blanket", or return to their traditional ways, after leaving the boarding schools. A student had little choice but to return to the reservation following his boarding school education. There on the reservation, he was not able to find employment in the areas he had been trained in. After having been acculturated, he was put back into his old traditional environment where he no longer fit. Few opportunities existed for the Indians outside the reservation. Thus they were forced into a life neither Indian or white. Some managed to resume their traditional way of life, but most ended up somewhere between the two cultural worlds, belonging to neither one completely.

The supporters of the day-schools also argued that these schools would be more acceptable to parents who were generally hostile to the idea of having their children taken a long distance from home. The day-schools would also be more economical to operate as the need for transporting and feeding the students would be less than to board them.

While the boarding school expansion was taking place, several laws were passed or policies changed which affected the operations of both boarding and day-schools. After 1887, the Bureau of Indian Affairs began to assume more control over Indian education, taking over the responsibility from the missionaries who had earlier built the first schools on the reservation. In 1887,

Tom Torlino (Toslina?) upon his arrival at Carlisle Indian School.

(Photograph by J. N. Choate, Courtesy Museum of New Mexico)

Tom Torlino After Three years at Carlisle Indian School.

(Photograph by J. N. Choate, Courtesy Museum of New Mexico)

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the policy of having contracts with religious groups to run the schools was prohibited by Congress, although some exceptions continued to be made. The United States Constitution, which called for a separation between Church and State was now followed by the Indian Bureau which received its money from the federal government. From 1887 on, church supported schools became more and more independent of government financing. A law in 1886, also helped change the Bureau's policy toward Indian education. This law stated that no Indian child could be sent to a reservation school without his parent's consent, but another law passed in 1887 made school attendance compulsory, with fines for parents who refused to send their children to school.

Dale states in *The Indians of the Southwest* that;

> It was easy for Congress to pass compulsory school laws, but for officials of the Indian Service to enforce them was very difficult, especially in the southwest . . . If agents sent the police to bring the children in by force and to pursue and return any that ran away, they not only created resentment among the Indians, but were nearly certain to bring upon themselves harsh criticism from many sentimentalists whose interest in Indian welfare was great enough for them to be regarded as outstanding friends of the Indians. These friends criticized harshly the inhumanity of officials who were willing to "kidnap" children or tear them from their mother's arms and take them away to the strange environment of boarding school. On the other hand, if officials allowed the children to remain out of school, these same critics complained bitterly that Indian children were allowed to grow up in ignorance despite the fact that funds had been appropriated for their education.[18]

As the boarding school idea spread, plans were made to build one to replace the one room day school at Fort Defiance. This school opened its doors for Navajo students in 1883. By 1884, the average attendance at the Fort Defiance Boarding School was about twenty students, but few of this number remained any length of time. Agent John H. Bowman reported that the students would come to school and stay for a day or two, get some clothes and then run away back to their hogans, with few of them attending school regularly. As a result of this, the school did very little good.[19]

Other boarding school which opened their doors during this period were, Haskell Institute, in Lawrence, Kansas in 1884; Albuquerque Indian School in 1886; Tucson in 1888; Santa Fe and Fort Mojave in 1890; Phoenix Indian School in 1891; and Riverside, California, in 1892.

In 1894, the enrollment of Fort Defiance Boarding School had risen to 206 students, and in 1895, a day school was started at Tohatchi. However, even with these changes, many Navajo parents were still not convinced that education at the schools would be useful for their children. Many of the parents may have realized that the acculturation goals of the school represented an outright attack on the cultural values of the People by taking children who did not fully know the traditional ways and keeping them for years at the schools where they were taught only the white man's culture.

Not all Navajos opposed the idea of schools for their children, but those who did tended to receive the most attention at this time. These opposition groups complained that their children were whipped and mistreated while at the schools. Many of these complaints were well founded, as the schools of that period, both Indian and non-Indian, were very strict in their discipline. This was the age when the saying "spare the rod and spoil the child" was popular.[20] The fact that this type of discipline was foreign to traditional culture was not heeded in the early boarding schools. According to Dale in *The Indians of the Southwest*:

> The methods employed were essentially the same in all government boarding schools whether they were of the reservation or non-reservation type. All were organized on a military basis, with the pupils dressed in uniforms and placed in platoons and companies under the command of student officers appointed by the principal or superintendent. The children devoted a half day to work in the school room and the other half day to so-called vocational training, often frankly productive labor.

There were other aspects of school, just as unpopular as the military rigidness and probably more terrifying to a Navajo child. For instance, a Navajo was used to living from birth to death within a warm circle of family and clan mates. At school he found no one but strangers. His refuge was the usual Navajo answer in time of doubt: be silent and make no move.

The problems faced by the Navajos, their children, the Agency and the Indian Bureau in the area of education would take many years to solve. While school enrollments would increase, the conditions within the boarding schools would change little until the late 1930's.

Footnotes

[1] William A. Keleher, *Turmoil in New Mexico, 1846-1868* (Santa Fe: The Rydal Press, 1952), p. 477.

[2] *Ibid.*, p. 479.

[3] Robert Young, *The Navajo Yearbook, 1951-1961* (Window Rock, Arizona: Navajo Agency, 1961), pp. 315-316.

[4] *Historical Calendar of the Navajo People*, comp., J. Lee Correll (Window Rock, Arizona: Navajo Tribal Museum, 1968), September 1, 1886; August 12, 1889.

[5] *Ibid.*, March 18, 1881.

[6] Young, *op. cit.*, pp. 339-340.

[7] L. B. Bloom, ed., "Bourke on the Southwest", *New Mexico Historical Review*, Vol. XI (1936), p. 91.

[8] Ruth Underhill, *The Navajos* (Norman: University of Oklahoma Press, 1956), pp. 178-179.

[9] Robert Young, *The Role of the Navajo in the Southwestern Drama* (Gallup: The Gallup Independent, 1968), p. 51.

[10] Wilcomb E. Washburn, *The American Indian and the U. S. A.: A Documentary History, Vol. I* (New York: Random House, 1973), p. 452.

[11] *Historical Calendar, op. cit.*, March 20, 1894.

[12] Hildegard Thompson, *The Navajos' Long Walk for Education* (Chinle, Arizona: Navajo Community College Press, 1975), pp. 25-27.

[13] John Collier, *On the Gleaming Way* (Chicago: Swallow Press, Inc., 1962), p. 71.

[14] Martin Link, ed., *Navajo: A Century of Progress* (Window Rock, Arizona: The Navajo Tribe, 1968), p. 55.

[15] Edward Everett Dale, *The Indians of the Southwest* (Norman: University of Oklahoma Press, 1949), p. 178.

[16] *Ibid.*

[17] Young, *Navajo Yearbook, 1951-1961, op. cit.*, p. 582.

[18] Dale, *op. cit.*, p. 183.

[19] Young, *The Role of the Navajo in the Southwestern Drama, op. cit.*, p. 50.

[20] Thompson, *op. cit.*, p. 28.

[21] Dale, *op. cit.*, p. 181.

Chapter 11

THE TRADERS

The lives of the Navajo people had, since their days at Fort Sumner, undergone tremendous changes. They were no longer isolated people, dependent upon their traditional culture, but a people caught up in an ever widening whirlpool of change. New ways and ideas were being introduced constantly by policies and programs of the federal government, the Bureau of Indian Affairs, the schools and the non-Indian communities bordering the reservation. These off-reservation influences were not alone in bringing new ideas and ways to the Navajos. Changes also came from within the reservation in the form of reservation trading posts with their influential white owners, the traders.

The Early Traders

White traders on the reservation played a definite role in the changes being experienced by the Navajo people. These traders, with all kinds of personalities, came from all parts of the country seeking wealth and adventure. Some of them were well respected by the Navajos they served; others were killed or forced to leave. In many instances these traders were the Navajo's only contact with the white man's world.

In the years before their stay at Fort Sumner, the Navajos carried out trade with the New Mexicans, Mormons and surrounding Indian tribes, including the Utes, Pueblos, Apaches and Havasupai. Trade with non-Indians generally meant going to one of the New Mexican settlements where a type of frontier general store was located, or trading with one of the pack mule traders who came into the Navajo country.

It was not until after the Navajos came back home in 1868, that the first stores or "trading posts" began to appear on or around the reservation. Stores known as "sutler's stores" were to be found at the forts, but these were set up for trade with the soldiers and the Indians were not encouraged to trade there.

In the 1860's, trade between the Navajos and the Mormons was an established fact. Mormon traders came into Navajo country and the Navajos themselves traded as far away as the Great Salt Lake area. These trading contacts did not follow any set pattern, but were carried out as necessity demanded.

By 1874, the Mormons had opened a trading post at Lee's Ferry on the Colorado River while they were colonizing the Moencopi and adjacent Little Colorado River valleys in Arizona. These Mormon settlements helped increase trade in the western section of the reservation and the Navajos carried out extensive trade with them in horses, blankets, and wool. The blankets and wool traded by the Navajos were freighted to Salt Lake City where they were sent both east and west on the transcontinental railroad which had been completed in 1869.

By 1869, a store, which was set up to trade with the Navajos was being run by a man named Neale at Fort Defiance, while another store was being operated by two men named Stover and Coddington at Fort Wingate. The Fort Defiance store was sold in 1869 to Chandler Anson Damon and later "Old Man" William Leonard acquired it.[1]

Many of the early traders in the reservation area moved often. This was true of William Leonard who sold his Fort Defiance store to the Englishman, Thomas Varker Keam. Leonard then bought the trading post established by George Crary in 1871 at Pueblo Colorado, (Red Village). "Old Man" Leonard operated this trading post until 1878, when he sold out to John Lorenzo Hubbell and C. N. Cotton. Hubbell renamed the post "Ganado", in honor of his old friend Ganado Mucho. Hubbell, often called Don Lorenzo or **Naakaii Sání** (Old Mexican), by the Navajos, eventually became the sole owner of the Ganado Trading Post. In the years following, he either built or acquired other trading posts within a forty or fifty mile radius of his first store.[2]

These trading posts were located at Black Mountain, Cornfields, Nazaline, Keams Canyon, Oraibi, Cedar Springs, and two at Chinle, Arizona. The Chinle Trading Post had originally begun in 1882 as a tent store operated by a non-licensed Mexican trader named **Naakaii Yázhí**. Hubbell became the first licensed trader in the Chinle area in 1886, and held one of the posts there in partnership with C. N. Cotton. Cotton later sold his interest in the Chinle post to Hubbell and moved to Gallup, New Mexico. There he opened and operated a wholesale house which supplied goods to other traders in the area.[3]

Other influential traders also began their businesses on the reservation before 1900. A. E. Aldrich and Chee Dodge opened a trading post at Round Rock, Arizona, which achieved some degree of fame in Navajo history as the site of the Black Horse affair described earlier.[4]

Albert Farnsworth opened a small trading post at Fruitland, New Mexico about 1884, and O. E. Noland began trading in the Four Corners area in the mid 1880's. Frank Pyle opened a trading post near the present day Mancos Creek Trading Post between Shiprock, New Mexico and Cortez, Colorado.

Billy Dodd, brother to Agent Dodd at Fort Defiance, opened the first trading post at what was later called Keams Canyon. Keam bought this store and established a large trading operation in the area. As the number of traders and trading posts grew only Keam's post was located on the reservation. However, land additions soon brought a large number of these under the control of the Indian Office in Washington, D.C. The promise of profits to be made trading with the Navajos caused the number of posts to grow

Front view of the Hubbell Trading Post, Ganado, Arizona, ca. 1890's. Lorenzo Hubbell is seated in the center inspecting a Navajo rug. Note the large rug to the right of the building.

(Photograph by Ben Wittick, Courtesy Museum of New Mexico)

continually across the vast and ever increasing area of the reservation.

No records exist to show who the traders were that operated their businesses in the Anasazi area of Kinteel. But, it is known that posts did exist in the Wide Ruins area as far back as 1868. Other posts which had their beginnings before 1900 were the Red Lake Trading Post, started in 1881, and the Lukachukai Post in 1892.

The Crystal Trading Post, which was to have such a great influence on the rug weaving industry, had several false beginnings. Several traders had tried to start posts in the area of Washington Pass, but they were restricted by the winter weather to trading from tents during the summer months. Archibald Sweetland opened a post twenty-five miles north of the Pass at Seiihili. This trading post had a series of owners before it was finally abandoned in 1892. Other traders tried the area, but the cold winters and heavy snows soon took their toll and they gave up and left. In 1896, John B. Moore set up a trading post which he called Crystal from the Navajo name Tóhniłts·ilí Ch·ínilí meaning "where the crystal water flows out". This post, designed to be permanent, proved to be just that.

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147

Keams Canyon Trading Post, ca. 1890. All traces of buildings and trees have since disappeared.

(Photograph by Ben Wittick, Courtesy Museum of New Mexico)

During the long winter months, Moore passed the time by working with the rug weavers in his area, designing rug patterns which would soon make the crystal area famous.[5]

The Two Gray Hills Trading Post was opened in 1897 by Joe Williams, with Frank and Henry Noel as his partners. This post passed through several owners before coming into the possession of Win Wetherill in 1902.

One family spread out to become involved in over twelve trading posts near and inside the reservation. This was the Joseph Lehi Foutz family, a group of Mormons who settled near Tonalea. Eventually the Foutzes were trading at Teec Nos Pos, Tocito, Sanostee, Beclabito and Bisti.[6]

Another trading family were the Days of Cienega Amarilla and Chinle. The Day family moved to the Navajo Reservation around 1884, and their children, growing up among Navajo playmates, soon learned the Navajo language.

The Day's sons attended St. Michaels Mission and while learning their own culture, they taught the Navajo language and parts of the Navajo culture they knew to the Franciscan Fathers. It was during their stay at St. Michaels that the Days worked to translate Webster's Dictionary into Navajo.

The Day's also worked to preserve those parts of Navajo culture which seemed to be dying out as a result of the advancement of the Anglo world

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onto the reservation. They translated stories and ceremonies into English, and Sam Day, Jr. worked toward helping the Navajos reproduce the beautiful sandpaintings into a permanent form on paper and wood to begin what has today become a highly commercial business.

Normally there was little trouble between the traders and the Navajos. If a trader was extremely unpopular or just not desired in a certain area, he was forced to leave. If the local people wanted to trade and didn't mind the white man's influence in the area, he was allowed to settle. Occasionally, a trader appeared, who learned and respected the Navajo way of life, and he was likewise accepted and respected by the Navajos.

Still, at other times, incidents occurred. Neither traders nor customers could be expected to be good all the time. McNitt reports in *The Indian Traders*, that;

> Few traders were murdered by Indians before the early 1900's. From that time onward a graph of the death rate among traders would correspond with the increasing consumption of liquor by Indians. Between 1901 and 1934 more than twenty traders were murdered, and in all but one of the cases the circumstances were remarkably similar . . . murderers were usually drunk, their motive was robbery, and personal animosity was not a factor.[7]

One of the most widely publicized murder cases involving a trader was that of Richard Wetherill at Chaco Canyon in June 1910. Wetherill had for years owned and operated a ranch and trading post at Chaco Canyon. Both he and his brothers were well known for their discoveries and interest in the ruins of the Anasazi in the southwest. Richard Wetherill was himself nicknamed "Anasazi" by the Navajos with whom he lived and traded.

Wetherill, before his death was at odds with both Superintendent Samuel F. Stacher of the Pueblo Bonito Agency and William T. Shelton of the San Juan Agency at Shiprock. A series of events involving Wetherill, the two agents and the Navajos in the Chaco Canyon-Pueblo Bonito finally climaxed in the shooting death of Wetherill.

A Navajo man, Chiishch'ilii Biye' , and five other Navajos were accused and brought to trial for the murder of Wetherill. Five of the men were released, but **Chiishch'ilii Biye'**, in a trial two years after the murder, was found guilty of manslaughter and received a sentence of five to ten years in the state penitentiary at Santa Fe. **Chiishch'ilii Biye'** was released in June 1915, after serving less than three years of this prison sentence.

The normal life of an early trader on and around the reservation involved both an economic risk and some personal dangers. Most traders however, followed a quiet lifestyle which revolved around their day to day business dealings with the Navajos. They followed the requirements set up by the Bureau of Indian Affairs which issued the licenses for the reservation trading posts.

Archibald Sweetland seated next to the child at the Tse-a-le (Selihili) Trading Post, ca. early 1890's.

(Photograph by Ben Wittick, Courtesy Museum of New Mexico)

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The Trading Post System

No person could open a trading post or engage in trading practices on the reservation without a license. Officially, the regulations determining who might be licensed had been explained first in 1887 by Indian Commissioner A. E. Hayt.

> Trading licenses would be granted only to citizens of the United States, of good character, and who are fit to be in Indian country. They are not granted to any person who may previously have had a license which was taken away, or who lost his bond because of the violation of any law or regulation, or who is an improper person to be in Indian country.[8]

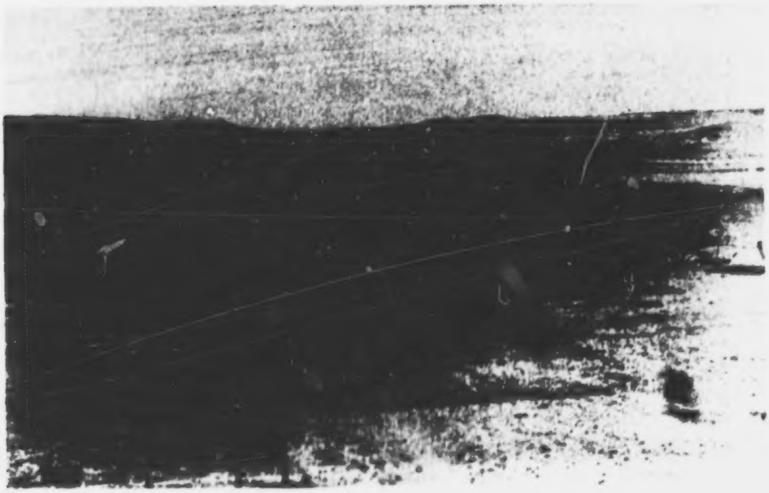
A $10,000 bond was required before a license would be issued to a trader. Once the license had been issued, the trader was responsible for the actions of his employees. If he did not follow all the guidelines of the Indian Trade Act, he could lose his license. The prices of all the goods sold at each trading post had to be placed where all could see them. A list of these prices also had to be sent to the Navajo agent.[9]

Earlier, in 1885, Commissioner J.D.C. Atkins had tightened the controls over the activities of the traders on the reservation. In addition to the posting of a price list, he ordered that "traders are required to forward monthly, through the Indian agents invoices of all goods received".[10]

The agents were instructed in 1889, to quietly investigate the traders and find out and report on the general reputation of each in the areas of honesty, fair dealings with the Navajos and whether they were a good influence on them. According to the guidelines set up by the Commissioner, they were to give specific reports on the quality and quantity of the goods kept by the traders and whether these goods were harmful to the Indians and if the prices charged were reasonable. However, accounts are sketchy concerning the Navajos opinions of these items deemed harmful or unreasonably priced.

In the mid 1880's a Bureau of Indian Affairs ruling, had placed a ceiling on the profits a trader could make. The ruling had stated that a trader could not make more than twenty-five percent of the cost of the article, plus shipping charges.[11] Even though many of these restrictions made it hard for the traders to set themselves up in business, by 1890 there were nine traders on the reservation and about thirty more off the reservation, along its borders.

The profits made by the trader were generally in keeping with his reputation for fair dealings, as well as the location of the trading post. The amount of money a trading post brought in depended to no small degree upon the population it served as well as the amount of competition it received from other trading posts in the area. Some posts made a great deal of money for their owners, others made only small profits, while others went broke.



Sam Day's trading post, Chinle, Arizona, ca. 1900.

(Photograph by Ben Wittick, Courtesy Museum of New Mexico)

The Navajos, living within the deep recesses of the reservation, had little choice but to deal with the traders within their areas. Those who lived close to the borders, or off the reservation, near white settlements, had a greater choice as to where they would trade. Actually, competition, rather than price listings which few Navajos could read, forced the traders to behave. If the prices became too high, the Navajos took their business elsewhere.

Occasionally a trader, especially off-reservation, would sell whiskey to the Navajos, but the Indian Office usually heard about it and put a stop to it. These cases were unusual however, and not representative of most traders who operated trading posts during this period. The off-reservation trading posts were not required to have a license, but they had considerable influence among the Navajos off the reservation as well as those living near its boundaries.

The trading posts in their early years of operations, developed a system of exchange with their Navajo customers which the Indian Office tried to stop, the system of trading pawn. On the reservation and its surrounding area, the Navajos depended almost entirely upon their wool crops. Thus they had little actual cash to spend at the trading posts. Only when they clipped their wool did they have the means to acquire cash for the goods they needed. As a result of this, a different means of exchange grew between the traders and the Navajos. When the Navajos needed goods from the trading post, especially in the winter months, they would pawn their concho belts, silver bridles, bracelets, turquoise necklaces and sometimes even their guns. Then when they brought in their wool, they would redeem their pawned goods.

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This system became widespread and was honored by both the Navajos and the traders. Arguments sometimes erupted over the value of a piece of jewelry being pawned, but for the most part the pawn system became an economic way of life on the reservation.

The trader held the pawned goods in a special room called the pawn room. At the end of a fixed period of time, sometimes six months, the trader would remove the pawn that had not been redeemed and advertise it for sale. Then after thirty days, the pawn could be sold. Navajos who did not redeem their pawn during the allowed time were sometimes able to get the trader to put the pawn back into the pawn room, sometimes not. If the trader understood the reasons for not redeeming the pawn, he might hold it for a longer period of time. Many of these decisions of course depended upon the circumstances and the type of person the trader was.

It was not unusual for the trader to lend the pawn to a person for a special occasion, getting it back the next time the Navajo came into the trading post. The returned pawn then went back into the pawn room where it remained until it was redeemed.

In 1887, the Indian Office tried to stop the use of pawn, but the unique economic conditions of the reservation which did not place a large flow of cash in the hands of the Navajos, made the practice a necessary one and it continued despite the protests of the Indian Office.

The use of tokens was another form of exchange that grew up between the Navajos and old traders. These tokens were also known in certain areas by their Mexican name, *seco*. How the use of these metal tokens came into being is not known, but many trading posts used them. Each post issued its own tokens, usually stamped on one side with the name of the store and on the other side with the value of the token. These tokens were stamped with 5¢, 10¢, 25¢, 50¢ and $1.00 values. Some traders added little identifying touches or decorations on their tokens and the Hubbell posts placed a serial number upon theirs. The tokens were good only at the post that issued them, but there were cases when one post would accept another's tokens. These were later exchanged for goods between the traders rather than for money.[12]

In earlier times, straight barter had been the means of exchange on the reservation, so many sheep or horses for something else. However, as times changed so did the type of exchange. Actual coins, gold and silver, were scarce on the reservation. Thus the metal tokens were used as a workable substitute. These brass or aluminum tokens thus became the means, along with the pawn, for carrying out trade on the reservation.

Another means of exchange, while not as frequent as the use of pawn or tokens, became a part of the trading economy. This exchange involved the use of silver buttons made out of coin silver and used to ornament clothing. In time of need, the Navajos would simply remove the buttons and spend them as they would coins. These were accepted the same as money or tokens at the trading posts. After all, money was money.

J.L. HUBBELL TRADING POST
26-
GANADO ARIZ.

Reproduction of old tokens used at many trading posts.

The goods the Navajos bought with these types of exchanges were generally the same. Pendleton shawls or robes, commonly referred to as blankets, and such staples as coffee, flour, sugar, salt, and sometimes fruit. After the basics were purchased, then the luxuries were carefully examined if the person felt he could afford them.

The traders were the men who brought the white man's world, both good and bad, to the reservation. It was the trader who dealt with the Navajos on a day to day basis. They were the ones who gave many of the Navajos their lasting impressions of the white man and the world outside the reservation. Little by little, as the trading posts crept into the far reaches of Navajoland, they became the trading centers around which the Navajos' economic world revolved.

The trader himself became the one white man who might represent Navajo interests in dealing with the government. The government agents did not remain in office long, but many traders remained year after year. Oftentimes the trader married a Navajo and learned to speak the Peoples' language, and grew to have a good understanding and appreciation of their way of life.[13]

Some traders often acted in roles other than that of merchants. From time to time they would act as justice of the peace, judge, jury and sometimes as a court of appeals. Their very life on the reservation depended upon their ability to serve the people in both trading and in the various ways in which the Navajos came to depend upon them.[14]

In addition to the importance of the traders to the economy of the reservation, they played an important part in the bringing of Navajo products and skills to the attention of the off-reservation world. The traders' influence in the areas of silversmithing and weaving on the Navajo Reservation began to be felt strongly during the period between 1881 and 1900, and continued to grow through the first half of the twentieth century.

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Footnotes

[1] Frank McNitt, *The Indian Traders* (Norman: University of Oklahoma Press, 1962), pp. 201-202

[2] *Ibid.*, pp. 202-204.

[3] *Ibid.*, pp. 202-224.

[4] Charles Avery Amsden, *Navajo Weaving* (Santa Ana, California: The Fine Arts Press, 1934), p. 177.

[5] McNitt, *op. cit.*, p. 253.

[6] *Ibid.*, p. 299-300.

[7] *Ibid.*, p. 322.

[8] *Ibid.*, p. 64.

[9] *Ibid.*, p. 65.

[10] *Ibid.*

[11] Ruth Underhill, *The Navajos* (Norman: Univeristy of Oklahoma Press, 1956), p. 182.

[12] McNitt, *op. cit.*, pp. 83-86.

[13] Mary Hunt Kahlenberg and Anthony Berlant, *The Navajo Blanket* (Los Angeles: Praeger Publishers, Inc., 1972) p. 19.

[14] Underhill, *op. cit.*, p. 184.

Chapter 12

NAVAJO CRAFTS INCREASE

Weaving

Although it was the traders who helped make the Navajos' skill in weaving nationally known, the Navajos had for almost 200 years been patiently working at their looms. Weaving, as a part of the Navajo culture, can be traced back to the introduction of sheep into New Mexico and Arizona by the Spanish explorers and early settlers. These animals fit easily into the Navajos nomadic way of life and the People soon came to depend upon them as the mainstay of their economy.

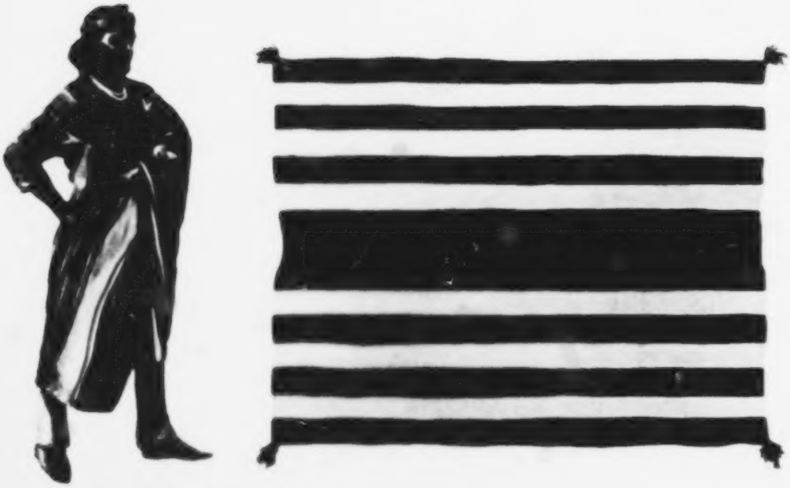
The use of wool for weaving everyday articles of clothing probably became a part of the Peoples' lives when weaving skills were introduced to them following the unsuccessful Pueblo Revolt against the Spanish in 1680. When this revolt failed, many Pueblos were forced to flee for their lives. Some hid among the Navajos and while there they taught the **Diné** their weaving skills.

The Navajos soon made refinements on these skills and adapted them to their own needs. Early weaving was devoted mainly to making articles of clothing such as men's shirts, women's blanket dresses, shoulder blankets, ponchos, belts and leggings. These pieces of clothing were almost always done in wool tones of brown, tan, black, grey or white. Yellows and greens were added by using dyes made from local vegetation. About the only other important color used during the early period of weaving came from the blue indigo dye introduced by the Spanish.

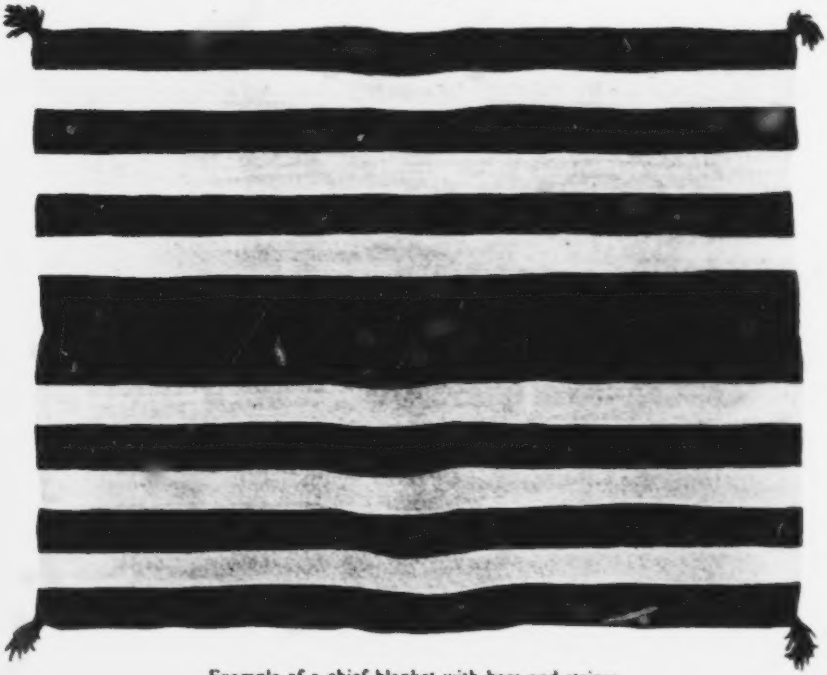
The Navajos who traded with the Spanish settlements or who were captured and enslaved by them also picked up other new ideas. One of the better known articles of weaving from this cultural contact with the Spanish and later the Mexican was the "slave blanket". These blankets, produced by Navajo slaves were in themselves distinctive combinations of Navajo weaving skills and Spanish colors and design.

It was not long after they learned the weavers' art that the Navajos became outstanding craftsmen. By 1850, they had entered into what has become known as the classic period of weaving, so called because the items woven during this period tended to be perfect examples of the weavers' art.

One of the best known articles from the classic period was the "chief's blanket". This large blanket, which could be wrapped around the body during the cold winters, was a much sought after item of trade by both the Indian and non-Indians in the area around Navajoland. These blankets had gradually changed in design from the wide, simple stripes of black or blue and white,



Example of an early chief blanket.



Example of a chief blanket with bars and stripes.

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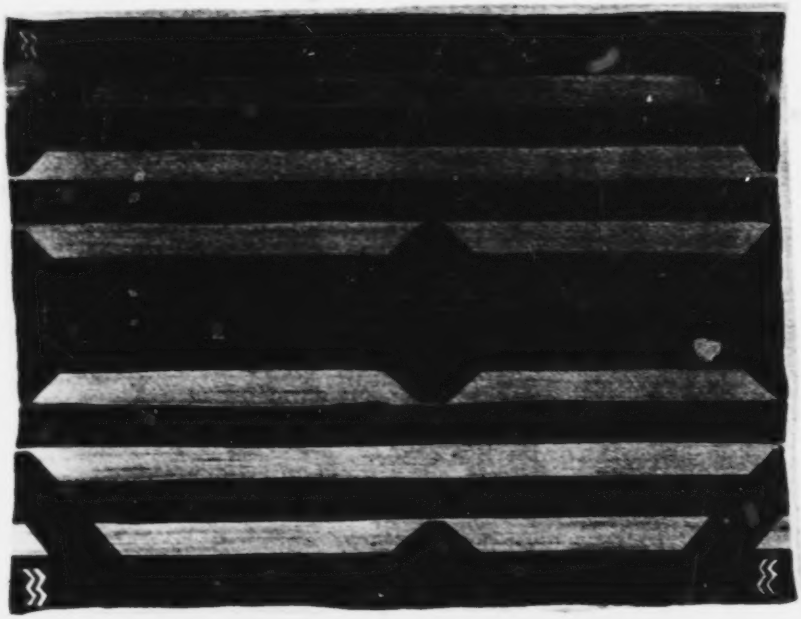

Example of chief blanket with diamond pattern and stripes.

Example of a chief blanket using a variation of diamond and stripe patterns.

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to include diamond shapes along with the stripes. A colorful serape style blanket, using the diamond and stripe design of the Spanish was also woven during this classic period.

As the Navajos had no vegetation which would produce a bright red dye, this color was highly prized by early weavers. To get a strong red color, the Navajo weavers were forced to buy or trade for red woolen cloth called baize by the Europeans and bayeta by the Spanish. This cloth would be purchased by the Navajos, patiently unraveled, and then rewoven into the design of their blankets.

It was at this point in the development of the weavers' art, when great pride was being taken in the weaving of the blanket, that the Navajos were rounded up and imprisoned at the Bosque Redondo Reservation at Fort Sumner.

At the Bosque Redondo, the Navajos came into contact with the brightly colored yarns imported from Europe. These imported yarns, called Saxony, were used by the Navajos to some extent while at Fort Sumner. The reduction of their flocks while at the Bosque, plus the lure of bright colos not available in natural dyes, soon started a downward trend in Navajo weaving following the Peoples' return to their homeland.

When the People had once more settled in their old areas and began weaving again, many continued to use the imported yarns they had learned about at Fort Sumner. Also, new dyes were introduced called aniline dyes. These new dyes were made from coal tar and came in small packages which had only to be dropped into boiling water to produce their eye-catching colors The imported machine made Saxony yarns were soon replaced by an American made yarn called Germantown, because it was produced in Germantown, Pennsylvania.

The yarns and dyes were sold at the new trading posts which began appearing on and around the reservation and the Navajos either sold or traded their blankets for the goods they needed from these stores. These goods usually included more yarns and dyes for weaving more blankets. As the demand for Indian made goods increased, the early traders began to ship Navajo blankets to eastern markets. This eastern market was not for hand woven blankets, but for something which could be used as a decoration for eastern homes. Thus, a demand quickly grew for all types of hand-loomed articles from pillow tops to rugs.

Exactly when the Navajo blanket, woven to be used as an article of clothing, became a rug is not known. However, the change was made from blanket to rug sometime during the 1890's, when the easterners demanded a heavier, more durable type of weaving that could be used as a rug. The Navajo weaver soon changed their weaving methods to meet this new demand, and a new industry was born.

The traders bought the Navajo rugs by the pound during this period, paying about twenty-five cents a pound. This method of payment soon led to the production of poorer quality rugs. Rugs tended to become looser woven in order for the weaver to make as many as possible in a shorter period of time. Some weavers went so far as to rub lanolin, dirt or sand into the rug to make it weigh more. Pride in craftsmenship began to disappear as quantity became more important than quality of weaving or design.

This change in the quality of weaving, plus the use of bright colors and machine spun yarns, seriously damaged the reputation of the Navajos' traditional weaving skills. The tourist, who knew no difference, continued to associate bright colors with what was expected from the Indian weaver. They did, however, began to demand more in the way of design than the classic stripes. Thus began a brief period in Navajo weaving which resulted in what was known as "Eye-Dazzler" rugs. These rugs were woven in rich, strong colors which soon became gaudy examples of the new type of Navajo rug. New designs were tried which did not always work out well and pictorials were made from time to time. In general, craftsmanship became poorer and poorer.

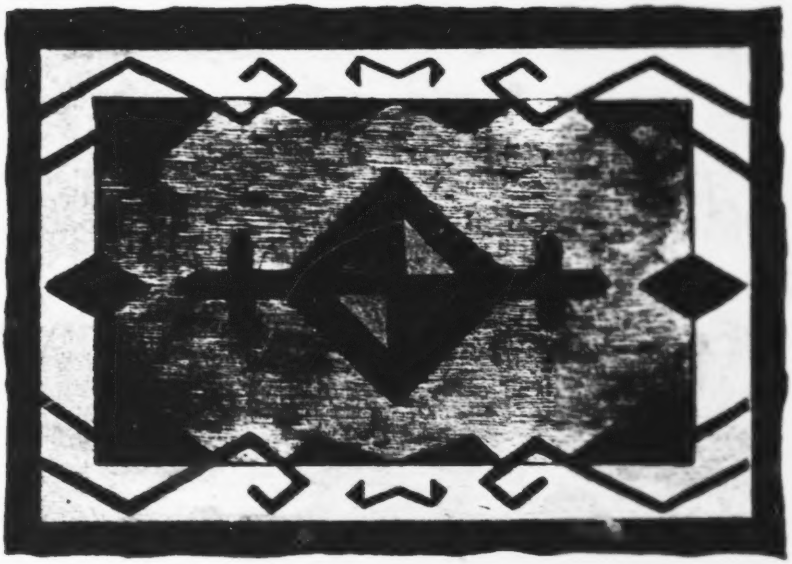
The more conservative and concerned traders and dealers began to see the dangers in what was happening and in the damage that was being done to workmanship. Many of them tried to bring about a change in the rug weaving industry. Some traders began to deny the use of artificial dyes, with purple dyes being banned altogether and cotton warp being frowned upon because it did not make the rug sturdy enough to endure long or hard wear. These traders now demanded that the rugs which they bought and sold show better workmanship. Many traders worked to introduce new designs for Navajo weavers as well as the idea of borders around the rugs to set them off like pictures.

It was probably the traders who saved and renewed the weaving skills of the Navajo. Two traders, John Lorenzo Hubbell of Ganado, and J. B. Moore of Crystal, were among the early trading post owners to make their influences felt in the area of weaving. Hubbell began to work for changes in design and quality in the rugs in his area. His specialized in large "made-to-order" rugs.

Moore of Crystal went even further by sending Navajo wool to eastern mills for scouring and carding. This wool was then dyed under his direct supervision by local women using natural vegetable dyes. He then had the best weavers in his area make the wool into rugs patterned after his own ideas.

Moore introduced the Greek fret, a decoration of interlocking designs. Different forms of these Greek frets were included in the rug borders and interior designs. These interior designs might include a diamond pattern and a cross. A hook and fork pattern, arrows and swastikas, were often used to produce a distinctive style rug. Rug colors included aniline dyed reds which dominated the rug, but black, tan, brown and blues were also used.

In 1911, Moore attempted to open up a market for the rugs from his area. He published a catalogue for rug buyers, showing quality and design, as well as offering explanations about both the rugs and their Navajo weavers. One



Early Crystal rug with hook design, woven by Bilíí Libáha Bizháá'áád. Reproduced from a photograph by Simeon Schwemberger in John Moore's 1911 catalog. The Navajo.

of Moore's best weavers was **Bilíí Łibáha Bizháá'áád**, who generally used a hook design which was repeated four times in the rug.[2]

J. B. Moore's Crystal rugs may be said to have served as the beginning of the now famous Two Gray Hills rug style. Two other traders, Ed Davis and George Bloomfield were responsible for using Moore's Crystal rug as the basis for the Two Gray Hills style. Davies came to the reservation in 1909 and three years later bought the trading post from a trader name Reitz. A short time later, George Bloomfield settled five miles west of Toadlena. The two men soon began to work together to improve the then loosely woven and poorly designed Two Gray Hills blanket.

In McNitt's book *The Indian Traders*, Bloomfield described local weaving when he first arrived in the Two Gray Hills area.

> There was no such thing as a Two Gray Hills rug when I bought the Toadlena Trading Post . . . Design elements were crude . . . the weaving coarse, the wool yarn often greasy and dirty. One negative factor distinguished the product, Navajos in the Toadlena-Two Gray Hills region showed an untypical, pronounced dislike of the color red.[3]

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The slow work of perfecting a distinct rug style began, and between 1915 and 1925, the Two Gray Hills pattern emerged. No artificial dyes were used, with the weavers preferring to use natural wool tones of blended white, brown and black. Over the years, this regional rug style has developed into one of the finest and most expensive to be found in Navajoland today. Some rugs from the Two Gray Hills area have been sold for as much as $7,000.

Under the supervision and encouragement of the traders, new styles of rugs, using natural colors, planned designs, and finer weaving methods began to emerge. These rugs gradually began a trend toward what are known today as regional styles.

Although all rugs woven on the reservation did not follow a regional style, after 1920 this trend was becoming greater and greater. These regional styles gradually grew up around the trading posts in such areas as Tuba City, Wide Ruins, Ganado, Chinle, Lukachukai, Teec Nos Pos, Shiprock, Two Gray Hills and Crystal.

As these trends toward regional styles of weaving developed, the traders continued to encourage the weavers in their areas to upgrade the quality and design of their rugs. New vegetable dyes were sought and developed. By 1930, these encouragements were beginning to bear fruit. Distinctive regional style rugs, using few artificial dyes, resulted in a revival period in Navajo rug making.

The 1920's also marks the beginning of the sand painting rugs started by Hosteen Klah, the noted medicine man. Klah, encouraged by Franc Newcomb, a traders wife and Mary Cabot Wheelwright, a wealthy patron of Navajo arts, began weaving a series of twenty-five sand painting rugs. The use of sacred sand painting designs brought a great outcry from many Navajos. Klah, however, was an extremely influential medicine man and he performed the proper ceremonies before he began weaving the rugs. He later performed these ceremonies for two of his nieces and they joined him in weaving the rugs.[4]

The sand painting designs soon spread to the Lukachukai Trading Post area where these designs as well as Yei designs were used. By 1930, sand painting designs were being used at Ganado, while the Yeibichai rugs were being woven in the Shiprock area.

During the years of the 1930's, while America was caught in the grip of the Great Depression, the market for Navajo rugs declined as most markets did. It has been estimated that the selling price of an average Navajo rug netted the weaver only 5c an hour during this period. This was not much money for the great many hours required to weave a rug. Dedera reports in *Navajo Rugs: How to Find, Evaluate, Buy and Care for Them* that,

> During the Great Depression a relative few weavers remained at their looms . . . Yet it was during these years that the largest Navajo rug in history was constructed by the Joe family of

> Greasewood.* In a special stone house forty feet long, Julia Joe and her two daughters, Lilly and Emma, began processing the wool. Beginning in 1932 the women sheared sixty white sheep and eighteen black. Two full years went into carding, spinning and dying. Then, from sunrise to midnight for three years and three weeks the women wove their masterpiece, a seamless rug measuring twenty-six by thirty-six feet and weighing two hundred fifty pounds.[5]

This rug was completed in 1937. It had been woven for Roman Hubbell, son of Lorenzo Hubbell. According to McNitt in *The Indian Traders* this valuable rug was carefully guarded in the Bales Store vault in Winslow, Arizona.[6]

The market for Navajo rugs has changed over the years, rising and falling as interest in American Indian arts and crafts passed through different stages of popularity. The professional collectors and those individuals who admire Navajo weaving, however, are always interested in acquiring these masterpieces of the weavers' art.

The value of Navajo rugs has gone up accordingly, and at the present time the popularity of these and other hand made craft items bring good prices for well made articles. Navajo weaving, like other hand-crafted objects, did not always bring high prices. The history of Navajo rug weaving shows that even though the rug weaving industry helped develop another source of income from the flocks of sheep that represented the Navajos basic economy, this source of income was not great. However, in the depressed economy of the reservation during the late 1800's and early 1900's, the money was desperately needed.

An agent's report in 1887 shows that in that year, 2,700 blankets were brought in, with about two thirds being sold or traded for goods. The Navajos were paid from $1 to $100 according to size, quality and style. Fancy blankets which took from two to three months to weave sold from $4 to $100 each. By 1899, the cash value of blankets being shipped out to eastern markets was approximately $50,000. By 1912, the Interior Department estimated that the income from the sale of Navajo rugs or blankets averaged $700,000. Today, the sale of rugs adds a large amount of money to the reservation economy.

The tremendous rise in the number of rugs produced and the prices paid, rests to some degree upon their being brought to the attention of the world outside the reservation area.

In 1900, Fred Harvey, owner of the Harvey House Hotels and restaurants which were built along the route of the Santa Fe Railroad, opened an "Indian Room" in the Alvarado Hotel in Albuquerque, New Mexico. Here in Albuquerque and at the Hopi House at Grand Canyon, Navajo rugs and jewelry were displayed and sold to tourists. This form of advertising greatly helped the Navajo crafts industry. By 1913, the Navajos' income from the sale of their rugs and jewelry was becoming an important part of the reservation economy. For the Navajo craftsmen, their work was now becoming a matter of pride as well as a source of income.

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* In June, 1978, a rug measuring forty feet by twenty-four feet was completed at Chilchinbito, Arizona. This rug weighs about one ton and contains twenty-five different rug patterns woven on the same loom.

After 1900, the popularity of Navajo weaving spread beyond the immediate reservation area. Navajo rugs were now displayed at trading posts in what became known as "rug rooms". These rooms offered the buyer a separate place in the trading post where he could examine the rugs in privacy. The "rug room" also provided a safe place which could be securely locked to protect the valuable rugs.

While the weaving industry tended to dominate the early reservation craft industry, another important industry was beginning to make great progress, that of the Navajo silversmith.

Navajo Silver

Many arguments have arisen over the beginning of silversmithing among the Navajos. The basic quarrel was over whether this art form was started before or after the Fort Sumner period.

According to Chee Dodge in Margary Bedinger's book, *Indian Silver*, "the Mexican blacksmith, George Carter, brought in by Henry L. Dodge in 1853, taught the Indians in the vicinity to 'work iron and copper into nice things'". Bedinger also states that the process of ironworking was picked up from the Mexicans and that Herrero, also known as Old Smith or Atsidii Sání, was considered the best.[7]

Herrero, or Old Smith, was also reported to have worked at this trade while at the Bosque Redondo and to have passed his skills along to his sons. It is a fact that they learned many basic metal working techniques while at the Bosque. These skills included the use of heat in pounding, melting and casting, along with the use and making of dies.

One example of metalworking skills learned at Fort Sumner concerned off reservation passes. The Navajos were not allowed to leave the reservation without an engraved metal disk which they had to show the soldiers if they were outside the reservation boundaries. Thus it was not long before thousands of forged metal passes were to be found at Fort Sumner. In an effort to stop the forging of these passes, the army finally had to have the passes made in Washington, D.C., using a special design and stamping process which the Navajos could not copy.

When the Navajos began working with silver is not as important as the fact that once they gained a basic knowledge of the silversmithing trade, they quickly advanced it into a distinctive art form of their own. Within a few years, with the help and advice of the traders on the reservation, the Navajos by the late 1800's had added silver jewelry to the reservation's livestock, agriculture and weaving economy.

The Navajos had long worn copper jewelry, especially bracelets, and had often used Mexican coins as decorative buttons on their clothes. In the early 1870's, the original silver made by the Navajos had only a limited amount of decoration on it. Any designs on the silver objects they made were painstakingly engraved by the silversmith using a crude hand made awl.

By 1881, the use of stamps had become common, with the traders supplying the silversmith with fine files with which to make the necessary stamps. The Navajo silversmith filed his design into a piece of old scrap iron or a nail. This use of stamps made the decorations on silver objects much more elaborate than before.

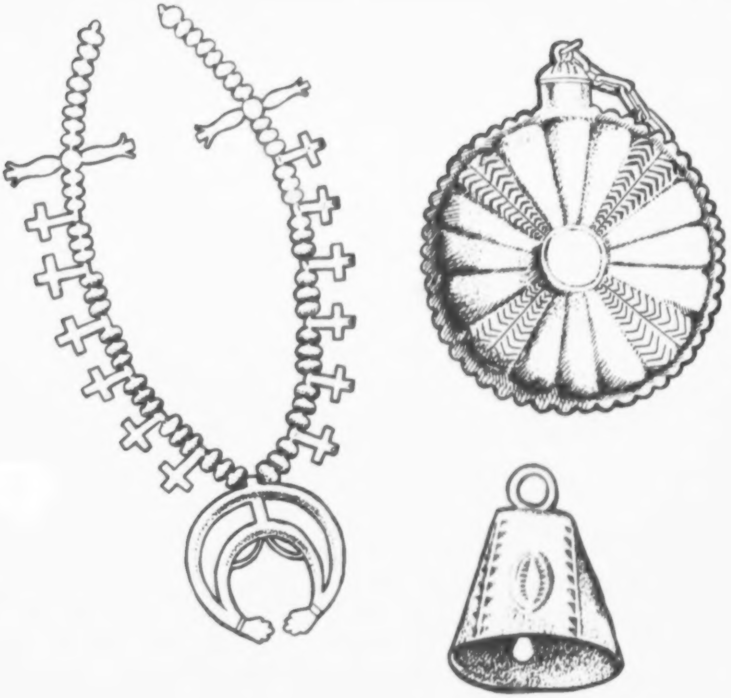
Getting the silver to work with was something of a problem for the early silversmith. Until 1890, most Navajo silversmiths used American silver dollars, fifty cent peices and quarters which were melted down for making jewelry. About 1890, the government began enforcing laws which prohibited the defacing of coins. This forced the Navajo silversmiths to look elsewhere for their silver supplies although many continued to use the American coins for some time.

The traders, realizing the potential market for silverwork began supplying the Navajos with the needed metal. The traders recognized the fact that any thing that would help the Navajos economy would in turn help theirs. With this in mind, many storeowners began importing Mexican pesos for the Navajo silversmiths to work with. Actually, the Navajos preferred the Mexican peso over American coins. The peso, purer in silver content, was softer and easier to melt down and work with. The American coins, made of a combination of silver and other alloys soon became less desirable to the silversmiths.

During this period, the Navajos also learned to do repoussage, the formation of patterns in relief by hammering or pressing from the under side. They often combined this new art form with the older form of stamping to create remarkably beautiful pieces of jewelry.

It is not known who began using turquoise with silver among the Navajos, but it is thought to have begun during the early 1880's and by 1895 it was relatively common. The use of turquoise quickly caught the attention of the silversmiths and its popularity rapidly spread across the reservation.

Several fine silversmiths began working during this period. Among these were **Bééshłigaii Iłʼį́į́nii Áłtsóózígíí** , or Slender Maker of Silver, from Crystal. Slender Maker of Silver was considered to be one of the best silversmiths on the reservation during the 1880's and 1890's. Other notable silversmiths who



Examples of Navajo silverwork.
(A) A crescent shaped Naja with silver beads, crosses and pomegranates.
(B) Small tobacco canteen, ca. 1880's.
(C) Tiny mother-in-law bell, ca. 1880's and 1890's.

practiced their craft during this period were A̲tsidi Chon, or Ugly Smith, from Klagetoh; Gray Moustache from Sunrise Springs near Ganado, and Largo from the Thoreau area. Some women began working in silver at this time, but none achieved fame and their names are not known.

Navajo silversmiths produced a great many different silver objects. Among these were silver mounted bridles worth from $60 to $100 each, depending upon the amount of silver used, rings, necklaces, najas or crescent shaped pendants, bracelets, ketoh or wrist guards, and silver bells which were worn by mothers-in-law so the tinkling little bells would warn her son-in-law that she was near. Two items which are very rarely seen today were also made, tobacco cases and silver measuring cups or powder measurers.

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The silver tobacco cases were used mainly by the younger men and were very expensive because of the difficulty in making them. These cases were carried in a leather pouch which hung from the shoulder by a leather strap.

The measuring cups which were used to measure powder out for guns were gradually replaced by the use of rifles with shell ammunition. Most of these measuring cups were later melted down and the silver reused for other items.

The trader, seeing that the trains were now bringing more and more tourists to the west, tried to open a market for Navajo products in order to meet the tourists demands for Indian souvenirs. An effort was made to get the Navajos to make silver jewelry which would meet this tourist demand as well as help stimulate the local resevation economy. However, the real demand for silver jewelry was not to come until the period between 1900 and 1920.

Traders Hubbell and Cotton had recognized the value of silversmithing as early as 1884. In that year Hubbell had brought two Mexican silversmiths or 'plateros' to his Ganado trading post. These plateros, Thick Lips and Beneditio, gave the Navajos in the area instructions in the finer arts of silverwork.[8]

While these traders were successful in marketing the products of Navajo weavers, they did less well in selling Navajo silverwork to outside markets. Most of the jewelry made by Navajo craftsmen was sold to other Navajos with less than one-half leaving the reservation area.

Richard Wetherill at Chaco Canyon helped the Navajos in his area to further develop the art of silversmithing and improve the local economy. Wetherill did what other traders were doing; he supplied the Navajos with the tools they needed. These tools included punches, tongs, pliers, and anvils. The trader also furnished his customers with a continual supply of Mexican silver.[9] With these tools and a good silver supply, the Navajos were able to make much more decorative and complicated silver objects.

Bedinger in *Indian Silver, Navajo and Pueblo,* lists the types of silver products common at the turn of the century before the influence of tourism:

1. Buttons: usually wrought, occasionally cast.

2. Ketohs (bowguards) "made solely for the Indian" and still used by Hopis and Zunis in rituals.

3. Earrings: pendants , loops, elongated cone with ball at end, and jaclas (It is said that women wore few earrings because husbands, when they found cause for jealousy, would rip them out of their wives' ears. Consequently, women wore their earrings on necklaces.)

4. Concho belts: Predominately oval with a diamond shaped opening in

the center crossed by a bar and fluted edge, with buckles usually different shapes.

5. Bridles and Saddles: conchas appeared on both. Najas appeared on bridles.
6. Necklaces: beads of shell and turquoise on gut, bits of tin and other metal strung on leather, silver beads, naja (the most popular pendant) cross (symbol of the morning star), swastika and squash blossom.

7. Finger rings: one of the first items Navajo smiths made. turquoise and wire.

8. Bracelets: the most numerous and most varied item. carinated (ridged) bracelet, flat narrow bands, wide bands, bars joined together. Most bracelets were wrought, some were cast.

9. Others:
   Dress ornaments, hat ornaments and bands, tweezers, miscellaneous items.[10]

These styles of silver jewelry, like early rug weaving, tended to suffer as the tourist demand for silver Indian jewelry began. According to Bennett in *Turquoise and the Indian,* this demand began in 1899 when "Herman Schweizer, manager of the Fred Harvey Company and owner of a chain of railroad concessions, got the idea that Indian jewelry would make a good souvenir if adopted somewhat to the white man's needs and taste . . . He persuaded a commercial trader at Thoreau, New Mexico, to have Indians in his neighborhood create some special made-to-order silver and turquoise jewelry, lighter in weight and small in size. This idea was put into use and the result was a deterioration in craftmanship. Much of the silver became the Indian's ideas of what the white man thought was Indian design.[11]

As the tourist demand for silver jewelry became greater, the Indian silversmith began to change his methods to meet this demand. Jewelry was produced on a larger scale with less time being spent on each individual piece. It was not long until the commercialization of silver jewelry had led to a downward trend in both quality and design.

During the 1920's, the tourist industry quickly expanded. Travel by Americans became easier and took less time. The use of the automobile soon began to have its effect upon America's population. Gone were the days when only train travel could take a person quickly across the country. Now roads, inadequate as they were, swarmed with automobiles. America was now on wheels and the tourist industry was born. Southern California underwent a great change, becoming an overnight success as a resort center. With the tourist came a demand for souvenirs. Everyone wanted something to remember the places they had visited and the things they had seen.

The Navajo Reservation, located on the edge of this new surge of tourists to California, saw the demand for rugs and silver jewelry increase as the number of tourists grew. As a result of this new demand, these craft industries became highly commercialized. The reservation, with its trading posts and traders who were in contact with the Navajo silversmiths and weavers, soon became the center for wholesale buying of Indian made articles.

At first, the weavers and silversmiths had made their products with the Indian in mind. However, as contact between these craftsmen and the non-Indians became greater, there was a trend toward changing Indian designs to satisfy the tastes of traders and tourists.

Indian jewelry as a whole, unlike rug making during the same period, soon became a target for "counterfeiting". Non-Indian businesses in an effort to cash in on the tourist trade, began to flood the markets with imitation Indian jewelry. This phony Indian jewelry plus the downward trend of authentic Indian jewelry in design and workmanship, brought about efforts to stop both. Interested people, including traders, dealers, collectors and Indian Service workers prevailed upon the Interior Department to take action.

In 1934, Secretary of the Interior Harold Ickes appointed a committee to look into the problems concerning the protection and marketing of Indian arts and crafts. This study later led to the establishment of the Indian Arts and Crafts Board in 1935. This Board, made up of five members who were experts in Indian arts and crafts, began work to help the native craftsmen. Their goal was to help improve the quality as well as the marketing of Indian arts and crafts. The board established trademarks for Indian made items. These trademarks guaranteed that Indian styled objects were genuine.

In 1940, the Board also helped set up craft guilds on the reservation. These guilds soon became training centers for local artists and craftsmen. These guilds, such as the present-day Navajo Arts and Crafts Guild, with its headquarters in Window Rock, Arizona, also helped with the marketing of Indian arts and crafts. The guilds were self-supporting and employees of the guilds were paid with money made from the sale of arts and crafts items. The guild bought only hand-made articles from local people who were paid cash for their work. The guild then resold these items to the general public. The guilds were non-profit organizations and any profits above the cost of maintaining the guild and paying its workers went into the tribal treasury.

Footnotes

[1] Frank McNitt, *The Indian Traders* (Norman: University of Oklahoma Press, 1962), p. 254.

[2] *Ibid.*

[3] *Ibid.*, pp. 259-260.

[4] Franc Newcomb, *Hosteen Klah, Medicine Man and Sand Painter* (Norman: University of Oklahoma Press, 1964), pp. 157-162.

[15] Don Dedera, *Navajo Rugs, How to Find, Evaluate, Buy and Care For Them* (Flagstaff,

Arizona: Northland Press, 1975), pp. 37-38.

[6] McNitt, *op. cit.*, p. 212, n. 19.

[7] Margary Bedinger, *Indian Silver, Navajo and Pueblo Jewelers* (Albuquerque: University of New Mexico Press, 1973), pp. 5-10.

[8] *Ibid.*, p. 17.

[9] McNitt, *op. cit.*, p. 84.

10. Bedinger, *op. cit.*, pp. 51-104.

11. Edna Bennett, *Turquoise and the Indian* (Chicago: The Swallow Press, 1966), pp. 70-71.

Chapter 13

NEW LANDS

The Reservation Grows

As the twentieth century began its course, it found the Navajos still following a traditional way of life. Some changes toward a more modern world were to be found on the reservation, though, with trading posts sending Navajo products of rugs and silver jewelry to the outside world by railroad. Boarding schools and a few day-schools were in operation, and labor saving devices such as wagons, metal plows and windmills were beginning to appear with greater frequency. An occasional automobile might be seen, grinding its gears and bumping along crude reservation roads and trails.

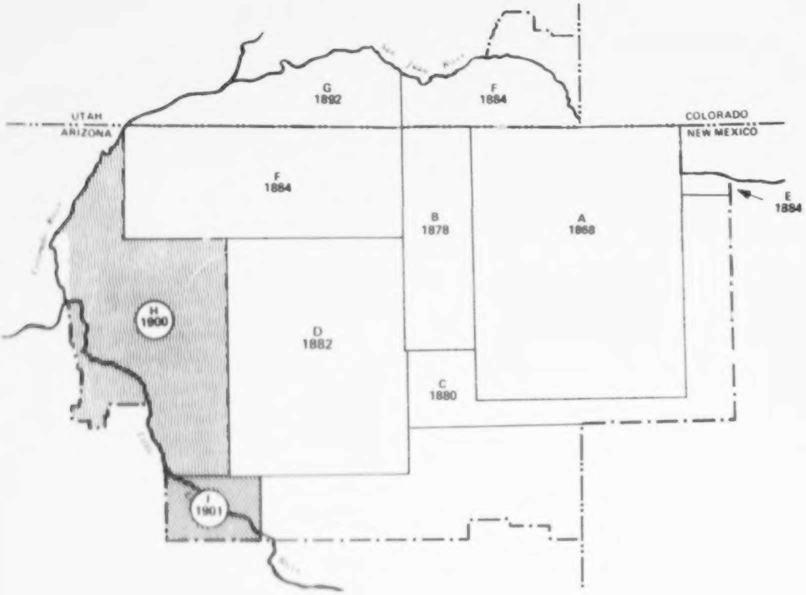
Although these sights and sounds of the twentieth century modern world were beginning to come to the isolated reservation area, most Navajos continued to live as they always had, basing their lives and lifestyles on the traditional economy of livestock and agriculture.

Living conditions on the reservation hand changed little since the People's return from Fort Sumner and few Navajos living in the early 1900's would realize that the Navajo Tribe was entering a century of unbelievable progress, a century which would present staggering problems to the people, problems which they would overcome and which would make them a wiser and stronger people for having done so.

Between 1900 and 1920, the economy of the Navajos was still based upon sheep and, to a lesser degree, other forms of livestock. The traders were trying to help diversify the local economies with the introduction of markets for Navajo silver and turquoise jewelry. But even in these efforts, the new markets which the traders opened included mainly the famous Navajo rugs which were a by-product of the sheep industry on the reservation.

By midway through the first twenty years of the new century, the livestock industry on the reservation had grown to an estimated 1,781,900 sheep, 43,000 cattle, 87,000 horses, 3,795 mules and 5,544 burros. About one-third of these animals grazed beyond the reservation boundaries and the rest grazed on 11,807,793 acres of reservation land. Reports in 1914 showed that the Navajo Reservation was being seriously overgrazed and that soil erosion was severe.

This destruction of the reservation's grass lands upon which the Navajo's livestock economy depended, brought new pleas from the Navajo Agents and the people he served for more land, large enough to meet the rapidly increasing



Navajo Reservation 1900-1901.
(H) Executive Order addition, January 8, 1900.
(I) Executive Order addition, November 14, 1901.

human and livestock population on the reservation.

The Executive Order additions of 1878, 1880, and 1884, had helped ease the grazing situation, but the Navajos had soon outgrown these areas. Soil erosion and barren overgrazed rangelands were beginning to appear throughout the reservation. The only solution to the overgrazing problem appeared to lie in the addition of more new lands to the reservation.

Partial relief, in the way of new lands came in 1900, when President William McKinley signed an Executive Order on January 8, withdrawing 1,575,369 acres of public domain lands west of the reservation from white entry.

In 1901, this block of land was placed under the control of the newly created Western Navajo Reservation Agency. The rapid growth of the reservation area had made it impossible for the Fort Defiance Agency to handle all reservation problems. Thus, the reservation had been divided into two separate agencies, the Fort Defiance and Western Navajo, each with its own agent.

In 1901, a missionary, William R. Johnston, accompanied two Navajo headmen to Washington, D.C. to meet with President Theodore Roosevelt. The Navajos had been having problems with the whites in the western

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off-reservation area. The Coconino County Affair of 1896 which had resulted in sixteen Navajo families being driven out of the area, along with increasing problems experienced by the Navajos over the railroad land grants, caught the attention of the President. He started an investigation into the problem which resulted in another Executive Order withdrawal of public domain lands on November 14, 1901.

The 1901 withdrawal, known as the Navajo Extension, was later named after Francis E. Leupp. Leupp had served as Special Indian Agent for the Indian Rights Association and later as Commissioner of Indian Affairs. The Navajo Extension transferred 425,171 acres of land from public domain "until such time as the Indians residing thereon shall have permanently settled under provisions of the Homestead Law or General Allotment Act".[1]

These two Executive Order additions to the reservation appeared to be the answer to the Navajos plea for more lands, but in reality, they created a series of difficult problems for the Diné.

The Checkerboard Areas

The land grants awarded to the railroad under the Enabling Act of 1866, lay to the south, east and west of the 1868 Treaty Reservation. These lands had long posed a problem to the Navajos living in these areas. The alternate one-square mile sections of railroad lands lay between sections of public domain lands. Only a surveyor could determine the exact location of public domain lands or railroad lands. The Navajos, having no knowledge of surveys or the surveyor's art, simply moved onto and used the lands regardless of whether they belonged to the public domain or to the railroad.

In the years since the original land grant had been made to the Atlantic and Pacific Railroad in 1866, several changes had taken place in the ownership of these lands. In an age when railroad barons bought and sold railroads and created economic panics which forced competing rail lines into bankruptcy, it was not unusual for control of a railroad to change hands frequently. This was the case of the Atlantic and Pacific Railroad Company.

In 1876, the Atlantic and Pacific Railroad had gone into bankruptcy and had not been able to complete its line from Albuquerque to the California border. As a result it had lost its right-of-way to the St. Louis and San Francisco Railroad Company. In 1894, the Atlantic and Pacific Railroad company was officially liquidated and its remaining land grant areas were split between the St. Louis and San Francisco Railroad Company and the Atchison, Topeka and Santa Fe Railroad Company.[2]

The Santa Fe Pacific Railroad Company took over the Santa Fe holdings and the St. Louis and San Francisco entrusted its new lands to a subsidiary company it owned and controlled, the New Mexico and Arizona Land Company. Earlier in 1884, the Aztec Land and Cattle Company had bought one million acres of land from the St. Louis and San Francisco Railroad Company land holdings.[3]

As a result of these land exchanges, the alternate sections of the railroad land grants in the New Mexico and Arizona Territories eventually belonged to one or more of these three companies: The Santa Fe, the New Mexico and Arizona Land Company, and the Aztec Land and Cattle Company.

The railroad and land company holdings were considered privately owned lands, but the alternating even numbered sections were open to both Navajo and white settlers who wished to homestead there on these public domain lands. What resulted was the Checkerboard area; sections of land which were owned by one or more of the three land companies, white homesteaders and the Navajos who moved onto the vacant lands and used them.

Few Navajos fully understood the homestead regulations and they simply occupied the land without attempting to meet the regulations required under the 1875 Homestead Act. They were, in fact, living on vacant lands which they had no legal title to, although they had used these lands for centuries before the white man had taken them.

As the need for more lands for the Navajos became pressing, Executive Order withdrawals from the remaining public domain sections of land were made. These public domain lands, not owned or already homesteaded by non-Indian, were set aside from white entry until the Navajos had a chance to file allotment claims on them.

The Dawes Severalty Act of 1887, contained provisions for allotting 160 acre tracts of land from the public domain for the Indians. These allotments were to be made by an allotment agent whose responsibility was to make the land allotment to the Indians and see that it was legally recorded with the local land office. Most allotments made to the Navajos were made during the period between 1903 and 1922.

Attempts To Solve the Checkerboard Problems

The 1900 Executive Order withdrawal had made no mention of the ownership of the withdrawn lands. It simply stated that the land was to be withdrawn from "sale and allotment until further notice". The fact that the area was placed under the Western Navajo Reservation Agency in 1901, indicated however that the land had been set aside for Navajo use. At least one-third of the 1900 withdrawal fell within the northern limits of the original railroad land grant area, while the entire 1901 Executive Order withdrawal was within the land grant area. This resulted in only a limited part of both withdrawals being open to Navajo settlement. The rest of these lands belonged to the land companies and white settlers who had homesteaded there.

Kelly states in *The Navajo Indians and Federal Indian Policy, 1900-1935*, that in 1904 an attempt was made to solve the Checkerboard problem. When the 1904 Indian Appropriation bill was passed by Congress, it contained a 'rider' which allowed the railroads to exchange their lands now located in Executive Order additions to the reservation, for other lands in the same state or territory which were vacant, nonmineral, non-timbered public lands that were not being used for other purposes. These new lands were to become known as *lieu lands*. This attempt to exchange reservation holdings for other public lands took place in 1913, when the Santa Fe and Pacific Railroad gave up its title to its alternate western sections, totaling about 327,000 acres in the Leupp and western Navajo area, in exchange for public lands elsewhere.[4]

After the title deed was presented to the United States, where it would be held in trust for the Navajos, the railroad learned that the Department of Interior had ruled that the land it had given up was not considered Indian reservation land because the Executive Order withdrawals of 1900 and 1901, made no mention as to why the land was taken from the public domain, except that it was withdrawn from homestead entry.[5]

The Santa Fe and Pacific Railroad had legally deeded away its western lands to the Navajos. A settlement was reached in later years concerning these lands and the Navajo Tribe in the years to come used some of its oil royalty money to purchase lands from white ranchers, homesteaders, and land companies, gradually incorporating these land into the Navajo Reservation.

On March 10, 1905, another tract of land was added to the reservation by an Executive Order signed by President Roosevelt. This order was later withdrawn for correction on May 15. The corrected order added the area known as the Aneth Extension in southeastern Utah to the reservation. The Aneth Extension was in later years to prove a valuable addition to the Navajos land holdings and millions of dollars in oil royalties were to flow into the Navajo treasury as a result of opening the Four Corners oil field in this area.

In its attempts to gain land for the Navajos east and southwest of the reservation, the Indian Bureau placed a new interpretation on Section Four of the 1887 Dawes Act. Section four of the act had been originally interpreted as meaning that public lands could be allotted to Indians who had no reservation. This section therefore would not apply to the Navajos who held not only the 1868 Treaty Reservation, but Executive Order additions made prior to 1901.

The Indian Bureau's new interpretation of Section Four was made to overcome this problem. Section Four was now interpreted to mean that allotments could be made for any Indian not living on a reservation. These allotments could be made in the same amount of land from the public domain as the Indian would have had if he had been living on a reservation which was broken into allotments. This new interpretation would also allow the Navajos to gain control of those areas containing water holes. This would be a way of fighting white stock owners who were freely using lands where the Indians were located. The idea was to allot to the Navajos only those areas containing water, thus the Indians could control land which had no water as it would be useless to to white stock owners, but allow the Navajos to use the whole area for their grazing purposes.[6]

Unfortunately, there were two drawbacks to this plan. The first was that these withdrawals in 1907 and 1908 were made in the Checkerboard areas and the railroads and land companies had already leased some of their lands containing water to the white stock owners. In the second place, many of the Navajos had settled on lands belonging to the railroad or land companies and many of them filed for allotments on these lands. No attempt was made to exchange these for other *lieu lands* by the Navajos before the withdrawal period ended in New Mexico in 1911. After this time the 1904 *lieu* law did not apply because the land was no longer a withdrawn public land area.[7]

As a result of this, the Checkerboard continued to be a problem, legally blocking the Navajo's need for expansion.

The Eastern Checkerboard

While some progress was made in helping solve the land grant problem in the western reservation area, the lands east and south of the reservation remained in a state of constant friction and confusion between the Navajos and Anglos.

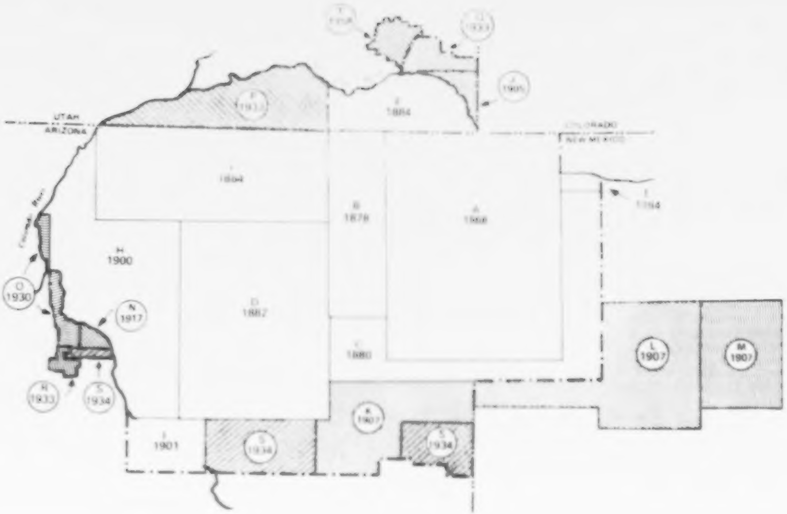
Before 1900, the Navajos had settled in these off-reservation areas just as they had in the west. Some hostilities had developed between the Navajos and white ranchers in these areas in the early years, but the problems were not of a continually serious nature.

By 1900, the discovery of artesian water in the eastern off-reservation lands made the area more appealing to white ranchers. With a plentiful water supply, these public domain lands, alternatingly sandwiched in between railroad and land company holdings, became profitable for grazing.[8]

Attempts were made by Commissioner of Indian Affairs Francis E. Leupp to get all the eastern lands withdrawn by Executive Order for Navajo use. Unfortunately, the opposition forces representing the Anglo stockmen proved too powerful and only a portion of the area was eventually withdrawn.

In 1907, three large areas in New Mexico and Arizona, totaling three million acres south and east of the reservation were withdrawn from the public domain by President Roosevelt. (See Map page 163, Areas K,L, and M) These land withdrawals , where most of the Navajos lived, were to last only until the Indians could be allotted public lands under the conditions set up by the Dawes Act of 1887. After these allotments were made, all remaining lands were to be restored for homestead entry.

On December 30, 1908, President Roosevelt returned a portion of the


T 1958
Q 1933
J 1905
P 1933
1884
UTAH
ARIZONA
COLORADO
NEW MEXICO
1884
B 1878
A 1868
1884
Colorado River
H 1900
D 1882
C 1880
O 1930
N 1917
R 1933
S 1934
L 1907
M 1907
K 1907
1901
S 1934
S 1934

Navajo Reservation 1905-1934.
(J) Executive Order addition, March 10, 1905.
(K) Executive Order addition, November 9, 1907.
(L) Executive Order addition, November 9, 1907. Restored to the public domain by Executive Order, January 16, 1911.
(M) Executive Order addition, November 9, 1907. Restored to the public domain by Executive Order, December 30, 1908.
(N) Executive Order addition, May 7, 1917. Revoked and reissued to include more land in 1918.
(O) Tusayan Forest Addition, by Act of Congress, May 23, 1930.
(P) Paiute Strip returned permanently to the reservation, 1933.
(Q) By Act of Congress, March 1, 1933
(R) Tusayan Forest Addition, March 1, 1933.
(S) Arizona Boundary Act, June 14, 1934. (three parts)
(T) Area ceded to Navajo Tribe in return for lands at Glen Canyon Dam, September 2, 1958.

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1907 withdrawal to the public domain. Approximately 110 allotments had been made to Navajos living within the area.

Another 2,000 allotments of 160 acres each were made in what was termed the Pueblo Bonito Reservation during the four years between its withdrawal from the public domain and its restoration. During these four years, opposition from Anglo stockmen and oil interests became stronger and stronger. Finally on January 16, 1911, President William Howard Taft returned the Pueblo Bonito area to the public domain.

Attempt To Dismantle the Reservation

In 1912, the Bureau of Indian Affairs stopped its land allotments to the Navajos until the land problems which were causing conflicts between the Navajos and Anglos were investigated by Congress. This Congressional investigation was the result of a memorial passed by the first New Mexico legislature following the granting of statehood to New Mexico on January 7, 1912. The New Mexico memorial requested Congress to break up the Navajo Reservation by applying the Dawes Act of 1887, to allot in severalty the reservation lands and return all unallotted lands to the public domain.[9]

The plan had been enacted earlier in the Indian Territory which became the state of Oklahoma in 1907. Here the Bureau of Indian Affairs and the United States Congress had finally bowed to public pressure from the railroads and homesteaders and allotted the Indian tribes their lands. This action then opened up all unallotted Indian lands to white entry.

Now New Mexican livestock owners as well as people from the petroleum and mining industries, were insisting that the same be done to the vast Navajo Reservation.

The New Mexico memorial asked that Congress forbid the withdrawal of all public domain lands in New Mexico, including those destined for Indian use. Later in 1913, New Mexican Senator Albert B. Fall showed New Mexico's opposition to the Executive Order withdrawals in a proposed ammendment to the fiscal 1914 Indian Appropriation bill.[10]

In this amendment, prohibiting further allotments to Indians on public domain lands in New Mexico and Arizona, Senator Fall stated that the Navajos were moving off the reservation just to receive allotments and that they had plenty of land on the reservation itself. The Navajos, Fall contended, could have 1,100 acres of land each if the reservation were allotted equally among them. He felt that the Navajos simply moved off the reservation, received their 160 acre allotments from the public domain, then blackmailed the white stockmen into buying them out.[11]

Kelly in *The Navajo Indian and the Federal Policy,1900-1935*, quotes Senator Fall as stating:

> They may take a thousand or five thousand or ten thousand head of sheep and run them on the range within the country adjoining my ranch, take the grass away from my cattle; occupy 160 acres each under allotment; pay no taxes; support the government not at all; and tomorrow, if they choose to do so, after having eaten off the public range, return to the Navajo Reservation and have allotted to them in severalty 1,100 acres.[12]

Fall also held that there was plenty of water available on the reservation for the needs of the Navajos. He referred to a 1903 government report which stated that $85,000 would allow for enough water developments to let the Navajos live on the reservation with no need to move off of the allotted lands. He also stated that the Bureau of Indian Affairs failed to take into consideration the fact that both New Mexico and Arizona were now states, not territories. The Bureau of Indian Affairs needed to have its powers to allot public lands limited.[13]

Compromises

Heated arguments continued for and against the issues brought up in Senator Fall's Amendment. Finally, the Bureau of Indian Affairs compromised. No money from the 1914 Indian Appropriation Bill would be granted for allotments in severalty for any Indians in New Mexico and Arizona. However, before the Fall Amendment was placed before the Senate for a vote, an investigation would be made of Navajo land needs. Each side felt that the results of such an investigation would support its claims. No investigation into the matter was ever held, and the Navajos would suffer as a result.

Before Senate action on the Fall Amendment could be taken the next year, Senator Henry F. Ashurst introduced a new issue concerning Navajo lands. Ashurst stated that he was not against new land additions for the Navajos if they were really needed. But, he claimed, the 1904 *lieu law* for exchanging railroad lands for other public domain lands was not designed to benefit the Indians, but the Santa Fe Railroad Company. The railroad, Ashurst stated, was exchanging lands valued at ten cents to twenty-five cents per acre for lands in Arizona worth two to four dollars per acre. It was the railroad, not the Navajos who were exerting pressure for more land extensions, extensions which would allow the railroad to exchange their lands in the Executive Order additions for lands of greater value elsewhere.[14]

The Fall Amendment was stalled in the Senate and when it appeared before the Senate Committee on Indian Affairs, it was announced that a compromise had been reached between Asisstant Commissioner E. B. Merritt of the Indian Bureau and Senator Fall.

The Fall-Merritt Compromise stated that it would be possible to allot

Indians living off the reservation 160 acres of land, but only if they had been living there before June 30, 1913. Under the terms of the Fall-Merritt Compromise, the Bureau of Indian Affairs would send agents to allot as many of the Navajos as possible who qualified under the June 30, 1913 deadline.[15]

Father Anslem Weber of St. Michaels Mission in Arizona, joined the fight in 1914. In an article which appeared in Washington D.C. newspapers entitled *The Navajo Indians, "A Statement of Facts"*, Weber argued that the claim that the Navajos had more than enough land to meet their needs was false. He pointed out that the Navajo Reservation, because of its geographic features and lack of sufficent rainfall, could not support the Indians that lived there. The lack of adequate grazing lands had already caused the range to become overgrazed. In short, the matter of breaking up the reservation and ending allotments on public domain lands, was nothing less than an attempt by white stockmen to gain more grazing land for themselves at the expense of the Navajos.[16]

Conditions continued to grow worse between the Navajos and the white ranchers in the eastern and southeastern checkerboard areas. No progress was made in trying to solve the problems.

Later, on May 7, 1917, the White House proved responsive to the land needs of the Navajos and President Woodrow Wilson signed an Executive Order withdrawing 91,033 acres of public domain land in the Grey Mountain area until allotments could be made to the Navajos living there. (See Map Page 163, Area N) On January 19, 1918, this Executive Order was revoked. and reissued to include a total of 94,000 acres in the same area. This withdrawal would allow the railroad and land companies to exchange their land holdings there under the new Exchange Act. Congress had in 1913 passed this new Exchange Act which added land companies to the railroads as ones which could exchange reservation lands for those in the public domain area.[17]

This new Exchange Act was not to solve the Checkerboard problem as the railroads wanted their *lieu lands* all together in large blocks and the Navajos were ending up farther and farther away from the reservation, on lands the Anglo stockmen had hoped to get for their own purposes.[18] The elusive Checkerboard problem remained unsettled.

Executive Order Withdrawals Ended

As the Board of Indian Commissioners began preparations to ask for another large land withdrawal for the Navajos in Arizona, Congress took action which ended all Executive Order withdrawals of public domain lands.

This Congressional action came as a result of an amendment to the 1918 Indian Appropriations bill. This amendment, introduced by Senator Marcus A. Smith of Arizona, proposed that "hereafter, no Indian reservation shall be created, nor shall any addition be made to one heretofore created, within the limit of the states of New Mexico or Arizona, except by act of Congress". The amendment was accepted by both houses of Congress and one year later, the prohibition was extended to include all other states. Later, on March 3, 1927, Congress passed an act providing for no changes in reservation boundaries except by consent of Congress. Now only Congress had the power to withdraw public domain lands for the creation or extension of Indian reservations.[19]

Extensions of the Navajo Reservation were now limited and no Executive Order reservation additions would be made. Also, no land exchanges with the railroads or land companies could take place because these were considered additions to the reservation.

According to Kelly in *The Navajo Indians and Federal Indian Policy, 1900-1935,* three possibilities remained to get the lands needed by the Navajos. First, those Navajos living on public domain lands before June 30, 1913, could still be allotted 160 acres of land from the public domain. In order to carry this out, in 1918, a special agent A. W. Simington, was sent to the non-reservation area to report on the allotment situation there. He found that of the 2,410 allotments that had been made, only 618 had been approved and only 100 patented. The special agent who had made the allotments to the Navajos had never filed the applications in the local land office. There was no record of the Navajo allotments. They would have to be made over again.[20]

Second, the Bureau of Indian Affairs could request Congress to give them money in order to buy lands in the Checkerboard areas. This was done in 1919, when Congress provided $100,000 for this purpose. Twelve thousand acres were bought from the Chaco Land and Cattle Company of Gallup for $93,628.24. These 12,000 acres did not go far in giving the Navajos control over the area and they were expected to pay the $100,000 back to the government. The Tribe was financially unable to do this and the government refused to grant any more funds for the purpose of buying lands.[21]

Thirdly, was the new idea of "blocking" the Checkerboard area. This became a reality on March 3, 1921, when an act was passed by Congress allowing the railroads to exchange their lands in the area for allotted land of the Navajos in another area. In this way it was hoped that the Navajos would be able to gain large blocks of land in one area, while the railroads would end up with large blocks in another. It was hoped that the use of "blocking" would help lessen the friction between the Navajos and whites in these areas. Unfortunately, the Navajos would lose almost half the public land they had been using in the areas around their allotments.[22]

The new "blocking act" applied to three counties in New Mexico, McKinley, San Juan and Valencia. However, no exchanges took place under this law until 1934 because the regulations issued by the Bureau of Indian Affairs were too complicated.[23]

No answers had been really found for the Checkerboard problem during this period although some land had exchanged hands between the Navajos, the whites and the government.

Footnotes

[1] Raymond Friday Locke, *The Book of the Navajo* (Los Angeles: Mankind Publishing Company, 1976), p. 429.

[2] Lawrence Kelly, *The Navajo Indians and Federal Indian Policy, 1900-1935* (Tucson: University of Arizona Press, 1968), p. 429.

[3] *Ibid.*

[4] *Ibid.*, pp. 22-23.

[5] *Ibid.*, p. 23.

[6] *Ibid.*, pp. 24-25.

[7] *Ibid.*, p. 25.

[8] *Ibid.*, p. 23.

[9] *Ibid.*, p. 28.

[10] *Ibid.*

[11] *Ibid.*, p. 29.

[12] *Ibid.*

[13] *Ibid.*

[14] *Ibid.*, pp. 30-31.

[15] *Ibid.*, p. 31.

[16] Anselm Weber, O.F.M., *The Navajo Indians. A Statement of Facts* (St. Michaels, Arizona: St. Michaels Press, 1915), pp. 3-29.

[17] Kelly, *op. cit.*, pp. 31-32.

[18] *Ibid.*, pp. 35-36.

[19] *Ibid.*, pp. 33-34.

[20] *Ibid.*, pp. 34-35.

[21] *Ibid.*, p. 35.

[22] *Ibid.*, pp. 35-36.

[23] *Ibid.*, p. 36.

Chapter 14

AGENT, AGENCY, AND LEGAL CHANGES

Reservation Agencies 1900-1927

In 1868, the Bureau of Indian Affairs had established a temporary agency at Fort Wingate, New Mexico in order to begin carrying out the provisions of the 1868 Treaty. The agency was to administer to the needs of the Navajos as they returned from the Bosque Redondo Reservation to their homes in Navajoland.

As the Navajos gradually began to drift back to their former homes, the agency was returned to its pre-Bosque site at Fort Defiance which had been reopened. This placed the agency in closer contact with the people it was supposed to serve. The agency remained at Fort Defiance as the single administrative agency for the Navajos until 1901.

By that year the reservation area had grown so large as a result of Executive Order additions that it became necessary to divide the area into two administrative units with an agency located in each. The Navajo agency at Fort Defiance remained as it was, while the new agency in charge of the Western Navajo Reservation was established with its headquarters at Tuba City, Arizona.

Since 1884, two years after its creation by an Executive Order, the Hopi Reservation had been under the Navajo Agency at Fort Defiance. One agent acted for both groups of Indians. By 1899, however, it was noted that a separate agency should be established for the Hopi Reservation. This became a reality in 1902, when the first Hopi Agency was opened at Keams Canyon with Charles Burton as Agent.

The Hopi Executive Order addition had, since 1882, been officially listed on maps and Indian Office papers as the "Moqui" Reservation. It was not until 1923, that officials of the Indian Office learned that "Moqui" supposedly was a Navajo term meaning "dead one". After this date the word Hopi became the official term used in referring to both land and people in this area.[1]

In July 1903, the Navajo Agency underwent another change. This agency with its headquarters at Fort Defiance was divided into two parts by a line running east and west from *Moqui.* The Indian Training School, Navajo Agency, was created south of this line with its headquarters still at Fort

183

Defiance. North of the line was the new San Juan Indian Training School, Shiprock Agency.

Later in 1908, the Navajo Extension created by the 1901 Executive Order addition in Arizona, became the Leupp Agency and School. Another agency was created in 1907, when the Pueblo Bonito Agency was established. This new Agency was created to take care of the newly added Executive Order lands of 1907 east of the Treaty Reservation. The Agency covered this addition along with a portion of the 1880 addition not included in the San Juan Agency. The first headquarters for this agency was located at Chaco Canyon. Later, the agency was moved to Crownpoint and the non-Indian held lands in the area were returned to the public domain by an Executive Order in 1911.[2]

Each of these agencies had its own superintendent to oversee agency affairs. The title of superintendent was generally used as a replacement for the term agent, although the duties remained much the same.

A reorganization of the agencies occurred in 1927 and resulted in some minor changes of agency boundaries. The 1927 reorganization also changed the agency names, creating the Southern Navajo Agency at Fort Defiance, the Western Navajo Agency at Tuba City, the Northern Navajo Agency at Shiprock, and the Eastern Navajo Agency at Crownpoint. The Leupp Agency kept its name and former status.[3]

Later, in 1935, these five agency jurisdictions were again reduced to one agency, the Consolidated Navajo Agency, at Window Rock, Arizona. In 1955, the reservation was again broken into smaller administrative areas, with the creation of five sub-agencies. These sub-agencies were located at Shiprock, Crownpoint, Tuba City, Chinle and Fort Defiance. The Leupp Agency was abolished and Leupp area placed under the jurisdiction of the Tuba City sub-agency.

The Agents, 1900-1920

Between 1900 and 1920, approximately twenty-three men served as agents or acting agents on the Navajo, Western Navajo, Pueblo Bonito, San Juan and Leupp Reservations. These agents, selected by the Commissioner of Indian Affairs with the approval of the Secretary of the Interior, represented a wide variety of personalities and personal dedication. They ranged from being sympathetic, efficient workers to autocratic, unyielding men who tried to enforce Bureau regulations without consideration of the people they were appointed to serve.

The agents were required to follow an impossible number of Bureau regulations, many of which were outdated or not in the best interest of the Navajo people. Also, some of these agents did not bother to acquaint themselves with the customs and traditions of the Navajo people and arbitrarily tried to enforce Bureau regulations and Anglo-American law within their agency area.

Even so, there were many dedicated and faithful agents who succeeded in bringing many needed changes and improvements to the Navajos. Others however, achieved a degree of fame for handling affairs poorly. Two of these were Reuben Perry, School Superintendent at Fort Defiance from 1903 to 1906, and William T. Shelton, School Superintendent at the San Juan School and Agency at Shiprock, from 1907 to 1916.

Agent Perry and the Tol Zhin Affair

In 1905, Superintendent Perry became unpopular with the Navajos for his handling of the Tol Zhin Affair. Perry's insistence upon using strict Anglo American Law within his agency and his disregard for the traditional Navajo custom of solving crimes cost him the respect of a great many Navajos and at the same time almost cost him his life.

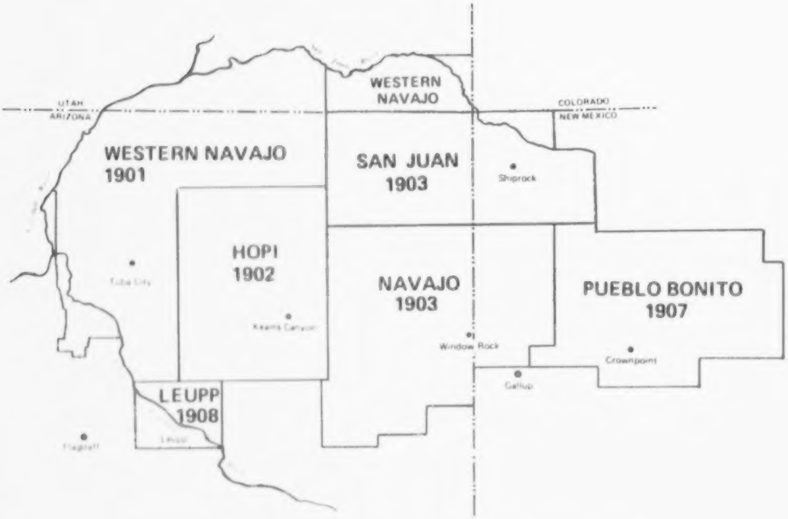
The Tol Zhin Case involved a Navajo man named Tol Zhin (**Tółízhiní**), or more commonly Linni, who was accused of rape. The girl involved sought the help of her family, who then brought charges against Linni. The accused followed Navajo custom and offered payment of one white horse for the crime he had committed. The horse had already been delivered when Agent Perry heard of the affair.

Perry, ignoring the fact that traditional justice had already settled the matter, ordered Linni to come to Fort Defiance to stand trial. The accused man refused to come to the agency, forcing Perry to go to Chinle to arrest him. Perry, upon arriving in Chinle, found himself faced with a group of about fifteen to twenty angry Navajos.

Before Perry could take any action, Winslow, one of the Navajos, grabbed the bridles of Perry's team and before Perry could draw his Colt, a Navajo man named Dlad, grabbed him around the shoulders pinning his arms to his side. The Navajos then forced Perry to sign a pardon for the accused Linni and to grant the rest of the men involved immunity from future arrest for their part in the forced pardon.[4]

Shortly after this experience, Perry called for advice from Chee Dodge and Father Anselm Weber at St. Michaels Mission in Arizona. The men met and all agreed that a mistake had been made by the agent. Father Weber advised Perry that he should either bring Linni in for trial or resign his position as Navajo Agent.[5]

The agent next called for use of troops to help his Navajo police in arresting Linni and his followers. Captain H. O. Williard, accompanied by K-troop from Fort Wingate, joined several of Perry's policemen and proceeded to Chinle. Upon their arrival there they were able to arrest Linni and Winslow, but four others, Dlad, **Ts'ósini' Biye'** , **Diné Łigaii** and Ush-tilly


UTAH
ARIZONA
COLORADO
NEW MEXICO
WESTERN NAVAJO
WESTERN NAVAJO 1901
SAN JUAN 1903
Shiprock
HOPI 1902
Tuba City
Keams Canyon
NAVAJO 1903
Window Rock
Gallup
PUEBLO BONITO 1907
Crownpoint
LEUPP 1908
Leupp
Flagstaff

Agency jurisdictions of the Navajo Reservation before 1927.

were not found.[6]

A Yeibichai Dance was scheduled to be held on November 6, 1905, at Cienega Amarilla, and Perry, fearing an outbreak of violence at the dance, met with several headmen including Chee Dodge, Black Horse, Tquayoni, **Béésh Łigaii**, **Atsidii Yázhíní' Biye'**, Biloh, Charley Mitchell, and **Hastiin Yázhí** at St. Michaels. Here the headmen planned the talks they would make to the approximately two thousand Navajos who were gathering for the dance. The headmen told Perry that many of his problems would disappear if he would follow the Navajo custom of letting the headmen handle most of the problems which arose among the Navajos. If he worked through the headmen, he would find that the Navajos would respond quicker and with less criticism of government policies.[7]

Perry, still fearing trouble, requested soldiers be sent from Fort Wingate to help in quieting the Navajos at the dance. On November 6, he sent his request to Commissioner of Indian Affairs Francis E. Leupp, stating that the Indians from the Black Mountain area would be at the dance and they were a troublesome group. Perry also indicated that he had heard that the Black Mountain group planned to cause trouble at the end of the dance and the presence of the soldiers might prevent this from happening.[8]

Commissioner Leupp complied with the request and Lt. Lewis and a small detachment of cavalry were sent out from Fort Wingate. Lewis and his men attended the dance where everything remained peaceful. However, the closing day of the dance was put off until November 15, and Lewis, feeling

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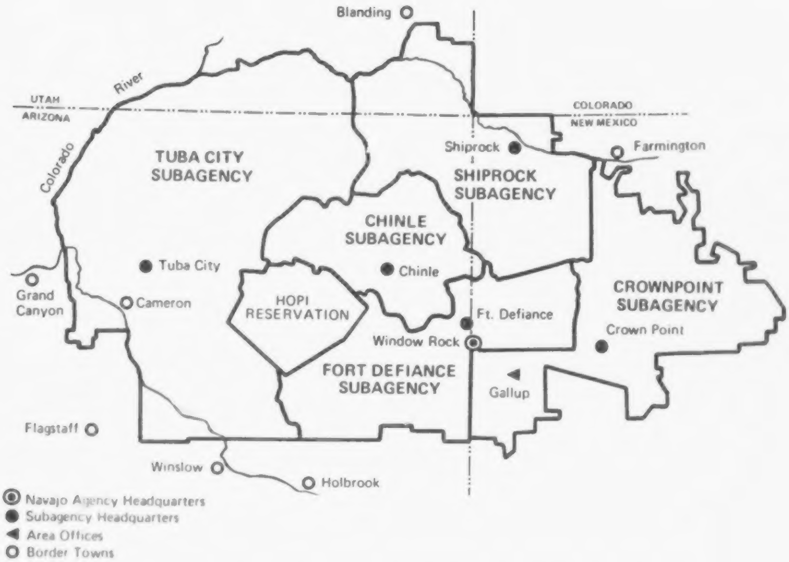
Blanding
River
UTAH
ARIZONA
COLORADO
NEW MEXICO
Colorado
TUBA CITY SUBAGENCY
Shiprock
Farmington
SHIPROCK SUBAGENCY
CHINLE SUBAGENCY
Tuba City
Chinle
Grand Canyon
Cameron
HOPI RESERVATION
CROWNPOINT SUBAGENCY
Ft. Defiance
Window Rock
Crown Point
FORT DEFIANCE SUBAGENCY
Gallup
Flagstaff
Winslow
Holbrook
Navajo Agency Headquarters
Subagency Headquarters
Area Offices
Border Towns

The five Navajo Reservation Subagencies as created in 1955.

that everything was under control, withdrew his men and returned to Fort Wingate where he filed a report on the situation. A telegram containing the major findings of the report was then sent to the War Department in Washington.[9]

Acting Secretary of War Robert Shaw received the telegram and informed Secretary of the Interior W. A. Hitchcock that he believed the matter could now be effectively handled by the Indian police without the use of U. S. troops.[10]

Superintendent Perry was not convinced and again requested soldiers as the postponed dance was about to resume. In response to this plea, Captain Williard was sent out again with K-troop from Fort Wingate. This detachment did not arrive at the scene until the day after the dance.[11]

The expected trouble at the dance did not occur as Peery had feared, partly because the naat'áaniis, or leaders, had handled the crowd in their usual way, going among the people and talking problems over, giving advice about the need for peace with the government and against the use of whiskey at the dance. It was here that Chee Dodge, using the traditional tactics of the **naat'áanii**, made a speech to those Navajos who lived off the reservation. Dodge stated:

> The President had given you a long rope so you may graze wherever you please. If a man has a good horse and pickets him

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> out he gives him a long rope in good grass and lets him graze as far as he can, but if he has a mean horse he gives him a short rope with his head tied close to a post so he can get but little feed. The President has given you a long rope. Some of you have a very long rope; You live very far from the reservation; and those who live on the Reservation have a still shorter rope; but the President has a rope on every one of you, if you do not appreciate the good treatment you are given, if you try to make trouble, he will pull on all the ropes and draw you fellows all together to a tight place . . . You will lose your stock, you will be afoot, you will be nothing, you will be wiped out, and will be guarded by troops, and everybody will laugh at you and say, 'see what a large tribe this was, and this is all that is left of them'.[12]

Later in another meeting with Agent Perry,**Béésh Łigaii**, the headman in the Chinle Area, unhappily agreed to act as leader for eight regional headmen in trying to round up the guilty men who had seized Perry and forced him to give the pardon to Linni. The headmen, including **Atsidii Yázhíni' Biye'**, **Béésh Łigaii**, and Biloh, promised to bring in the guilty men within fifty days or they themselves would stand trial in their place.[13]

In late November **Diné Ligaii** was arrested. The remaining accused men, Dlad, **Ts'osini' Biye'** and Ush-tilly, who had been hiding in the Crystal area, surrendered to **Béésh Łigaii** in early December.[14]

At a council of headmen on December 8, Perry was told that a man named **Doo Yáłti'í**, had also been involved in the affair and had, two or three years earlier, threatened the Hopi Agent. Perry ordered the man's arrest and he was brought in on December 19, 1905.[15]

Superintendent Perry now informed Commissioner of Indian Affairs, Francis E. Leupp that the prisoners were at Fort Defiance and suggested that they be sent to a military prison. He recommended that Linni, Dlad and **Diné Ligaii** be given two years hard labor and the others one year sentences.

Leupp next recommended to Interior Secretary Hitchcock, that the men be sent to the federal penitentiary at Alcatraz for the terms suggested by Superintendent Perry. Commissioner Leupp also stated that he felt that criminal charges against the men were not necessary and that no trial was needed. The men he stated, were not citizens, but were among the most ignorant and lawless people the Bureau of Indian Affairs had to manage.[16]

Leupp also indicated that sending the prisoners far away would add a bit of mystery to the case and be very impressive to those Navajo on the reservation who would not know what had happened to the men. It would also give the prisoners a change to see another part of the country and they could tell their people about it when they returned. All this would help to stop any others from disobeying the government. Thus the Navajos were sent to Alcatraz without charges being filed against them and without a trial.[17]

The Indian Rights Association, which had been founded in 1882, in order to help the Indians gain their civil rights along with citizenship, and laws which would protect them on the reservation, issued a strong protest over the handling of the case.

This protest, along with the wet climate in the San Francisco area, made it necessary to remove the prisoners back to a drier area in the southwest. The men were sent to Fort Huachuca, Arizona in August, 1906, and by June of 1907, all seven had been released to return to their homes on the reservation.

Agent Shelton and the Bia-a-lil-le Affair

School Superintendent William T. Shelton also experienced problems while he was in charge of the San Juan School and Agency at Shiprock, New Mexico.

Shelton felt that the Navajos within his agency jurisdiction needed a strong, stern hand to make them fit into the pattern of Anglo-American life. As a result of this, the agency jail was used frequently and he depended heavily upon his police force to keep the people in line.

He did, however, start many programs which were of benefit to the Navajos. In 1909, Shelton began the annual Shiprock Fair, which helped encourage the making and selling of Navajo crafts, plus helping to introduce new methods of animal husbandry and agriculture. Shelton also provided five acres for each graduate from the San Juan School. He had set aside five thousand acres of land for this purpose and the Agency made livestock available for these small farm tracts at a small cost.

While Superintendent Shelton did achieve some success, his hardheaded determination to Anglicize the Navajos brought him trouble, notably in the well publicized Bia-a-lil-le Affair.

Shelton became involved in this affair in 1907 when he tried to enforce a Bureau of Indian Affairs directive ordering all Navajo children within the San Juan School and Agency district to attend the boarding school at Shiprock.

Shelton's orders were met with open defiance by an influential medicine man in the Black Mountain area named Bia-a-lil-le (**Be'élílee**). Bia-a-lil-le openly spoke out about Superintendent Shelton's regulations, and urged the people not to obey them, especially those regarding compulsory education and sheep dipping, which he maintained went against the Navajo way of life. He would, according to Wilkin in *Anselm Weber, O.F.M.* "generally oppose the dictatorial methods employed by Mr. Shelton."[18]

Shelton generally employed the Navajo Police in enforcing his orders rather than trying to get the Navajos to obey willingly. However, before attempting to arrest the old medicine man, Shelton called for troops I and K from Fort Wingate. The soldiers under the command of Captain Williard who had also taken part in the Tol Zhin Affair, arrived at the San Juan Agency. On October 29, 1907, after an all night ride from Shiprock, the troops reached the Aneth, Utah area. There in the early morning hours, they surprised Bia-a-lil-le's camp which was located in the McElmo Canyon Area, west of Cortez, Colorado.[19]

The camp was surrounded by the troops and Shelton's Indian police. Bia-a-lil-le was arrested in his hogan following a brief fight in which two Navajos within the camp were shot and killed.

Bia-a-lil-le and eight of his followers were then taken to Shiprock. In order to set an example for other Navajos who refused to obey his orders, Shelton and Captain Williard recommended that Bia-a-lil-le and his follower Polly, be sentenced to ten years hard labor. It was also recommended that after the sentence had been served, that Bia-a-lil-le and Polly never be allowed to enter the reservation area again.

Two year prison terms were suggested by Shelton and Williard for the seven other Navajos who had been involved in the affair. The recommended sentences met with the approval of Indian Commissioner Leupp, and the prisoners were taken to Fort Huachuca, Arizona and imprisoned there.[20]

News of the Bia-a-lil-le Affair soon reached the Indian Rights Association, who along with Reverend Andrew Antes, of Aneth, Utah, began publicizing the Bia-a-lil-le incident, paying special attention to letting it be known that the prisoners were being kept in jail without a trial.

Several forces were now at work as a result of the incident. The Bureau of Indian Affairs sent a special investigator to the area to report on the case. Unfortunately, he conducted himself in such a manner that the Navajos in the area considered him to be a complete fool. The investigation proved to be of little value to anyone.

With the publicity mounting almost daily, the United States government began action to hush up the matter. Commissioner Leupp requested General Hugh Scott, the Commander of West Point, to investigate the facts in the case. Scott interviewed the Fathers at St. Michaels Mission but disregarded their recommendation that Superintendent Shelton be replaced. Scott's report generally upheld the action taken by Shelton and the government.[21]

Meanwhile, the United States Army became involved in the affair, when four hundred and fifty troops from Forts Huachuca, Apache and Wingate, came to Fort Defiance in July 1908. This concentration of troops led the press to speculate on the fact that an Indian uprising was about to take place, a fact that was strictly in the minds of the journalists.

The publicity of the Bia-a-lil-le Affair caused Superintendent Shelton to be strongly criticized for his arbitrary and unbending methods, and the government was accused of holding "Kangaroo Courts" and using unnecessary violence against the Indians.

The Indian Rights Association finally got the case before the Arizona Supreme Court. The court ruled that the Indians were not wards of the agents, but wards of the United States. The agents were only representatives of the government in its dealings with the Indians. The court ruled that Bia-a-lil-le and the others were being held illegally and they were released from prison on March 20, 1909.[22]

The Beautiful Mountain Uprising, 1913

In 1913, Superintendent Shelton again became involved in an incident that resulted in nation wide publicity about the Navajo Reservation.

In 1912, modern life was finding a foothold in Navajoland, but not all people were being touched by these new forces. The Beautiful Mountain Uprising which occurred at this time can in many ways be considered a turning point between the old and new ways of life on the reservation.

The trouble began over the longstanding Bureau of Indian Affairs regulation outlawing polygamy, or plural marriages, among the Navajos. Shelton's stand on carrying out the regulations sent to him at the San Juan Agency, caused an area man, **Diné Ts’ósí Biye’** , to appear at the agency in September 1913 with a story about the son of Bizhoshe, an old singer or medicine man at Beautiful Mountain above Sanostee.

Bizhoshe's son, **Hataałii Chííʼ Yázhí** , was a medicine man in his own right and was sometimes referred to as Little Singer. Diné Ts'ói Biye' reported that **Hataałii Chííʼ Yázhí** was disobeying the regulations about plural wives and now had three wives, two of which he had married within the last year. The report further stated that **Hataałii Chííʼ Yázhí** was forcing his youngest wife to drink whiskey. The report also added a hint concerning witchcraft by the accused man.[23]

Shelton, responding to the report, sent his Navajo Police to investigate the matter. Upon arriving at the Beautiful Mountain camp, the police found that **Hataałii Chííʼ Yázhí** was supposedly away hunting in the Black Mountain area. To make sure that **Hataałii Chííʼ Yázhí** came in to answer the charges made against him, the police arrested his three wives and took them back to the Shiprock Agency. **Hataałii Chííʼ Yázhí**, returning home to find his wives missing, immediately sought the advice of his father. The men decided to try to talk Superintendent Shelton out of the charges, and on September 17, 1913, Old Bizhoshe, **Hataałii Chííʼ Yázhí**, and nine other Navajos rode to Shiprock. After reaching the Shiprock Agency the Navajos discovered that Superintendent Shelton was in Durango, Colorado. The men decided to take **Hataałii Chííʼ Yázhí**'s wives who were living in a hogan on the agency grounds, back to Beautiful Mountain. In the process of freeing the women, a Navajo policeman who tried to stop the men had his gun taken away and was struck over the head with a riding quirt.[24] Three days later, Shelton requested U.S. Marshal Hudspeth of Santa Fe to issue arrest warrants for the men involved in freeing the women from the Agency.

According to McNitt in *The Indian Traders*, "Shelton obtained the warrants by the middle of October, charging Bizhoshe and his men with various offenses, including riot, horse stealing, deadly assault, stealing a government revolver, and flourishing arms in a settlement". Shelton had begun trying to organize a citizens' posse from Farmington and Aztec when he received a message on October 16, from Commissioner of Indian Affairs Cato Sells. Sells informed Shelton that he had acted upon his request for a U.S. Marshal, and for Shelton to go ahead, but to use care and good judgement in bringing the matter to a close. However, Sells added, all unnecessary violence was to be avoided in doing so.[25]

Two days later, on October 18, a meeting was held at St. Michaels Mission between Superintendent Peter Paquette of the Fort Defiance Agency, Chee Dodge and Father Anselm Weber. This meeting resulted in Weber, Chee Dodge,**Béésh Łigaii**, Agency interpreter Charley Mitchell and Black Horse going in search of**Hataałii Chííʼ Yázhí**. After locating him at a large Squaw Dance in the Lukachukai Mountains, they persuaded him to come to St. Michaels in a few days to try to solve the problem.[26]

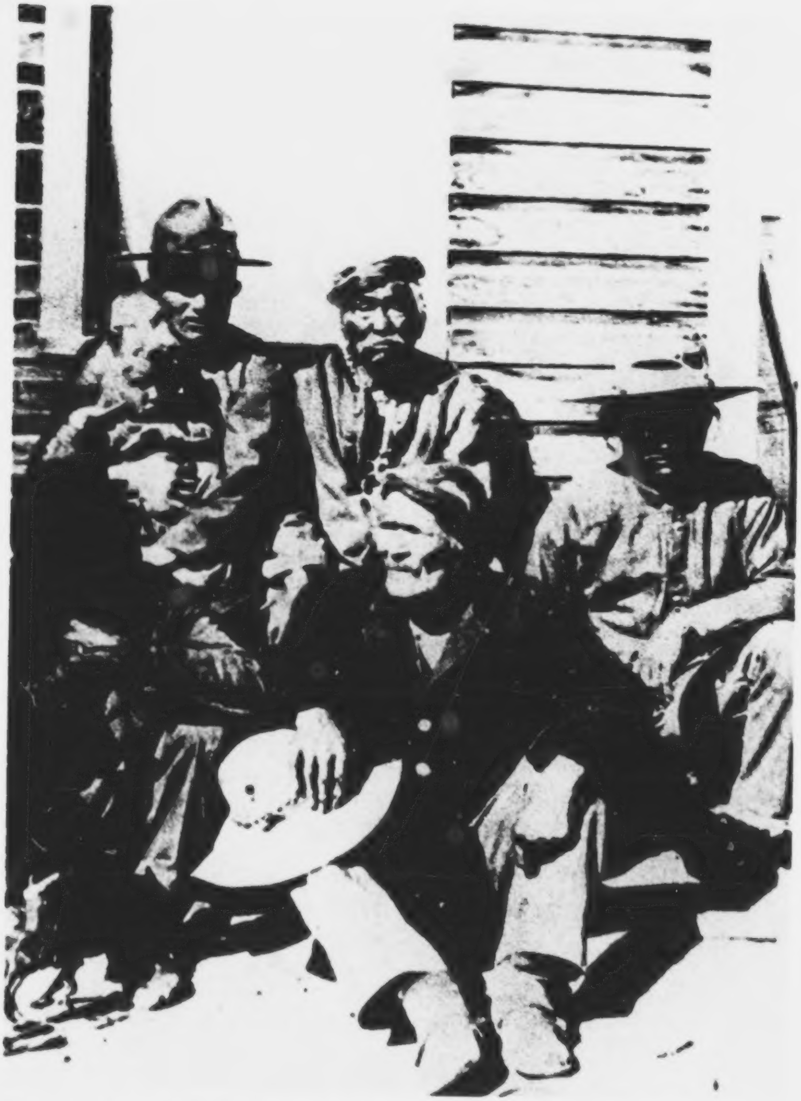
Later,**Hataałii Chííʼ Yázhí** broke his promise to attend the meeting and when **Béésh Ligaii** and Charlie Mitchell again contacted the Beautiful Mountain band, they found that **Hataałii Chííʼ Yázhí**'s father, Old Bizhoshe, had taken over as spokesman for the accused men. Another meeting was set up at St. Michaels at which the Navajos agreed to surrender to the federal marshal on November 13. The accused men, however, hesitating to go to Santa Fe, changed their minds and retreated back into their fortress like area at Beautiful Mountain.

By this time the situation appeared to be getting out of hand. A newspaper account of the incident appeared in the *Farmington Enterprise* and soon newspapers across the country were carrying stories of a possible general uprising on the Navajo Reservation. The incident grew from a few men wanted by the law, to a story involving 1,500 Navajos, entrenched at Beautiful Mountain, prepared to fight the government to the end.

At-do-la and Clah Begay, two of the accused men, surrendered themselves to Shelton and were jailed in Aztec before being sent to Santa Fe on November 15. On November 19, the two men were tried and found guilty of unlawful assembly and sentenced to ninety days in jail. The charges against them were soon dismissed and they were set free.[27]

Meanwhile, the U.S. Marshal promised by Commissioner Sells arrived. Major James McLaughlin, from Devil's Lake, North Dakota, had previously worked as a mediator with the Sioux and was experienced in working out agreements between the Indians and the whites.

A meeting at Sanostee was arranged between Bizhoshe and McLaughlin, but all efforts failed in getting the accused to surrender themselves to the authorities.



A group photograph, ca. 1913. Top row, left to right, Paul Z. Randolf (holding child), Bizhoshe. Front row, Bizhoshe's three sons.

(Courtesy Museum of New Mexico)

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Father Anselm Weber had met twice with Bizhoshe's group, urging them to surrender, but had failed each time. During one meeting at Bizhoshe's camp at Beautiful Mountain, the Navajos, according to Wilkin, in *Anselm Weber O.F.M.*, told Weber why they did not want to surrender to Superintendent Shelton.

> Mr. Shelton, had been mean to them, . . . ever since he had taken over the San Juan. They insisted that the Shiprock agent was always picking on them and that his policemen only wanted to get Navajos into trouble. They said that Navajos were always in jail at Shiprock because Shelton needed to farm the school gardens and wanted women of the people on hand to weave blankets for the Indian agency.[28]

U.S. Marshal McLaughlin was now convinced that only a large number of troops would make the accused give themselves up. He requested that Secretary of the Interior Franklin K. Lane ask for U.S. Army troops to help in bringing in the accused men to justice. The Secretary honored this request and on November 18, asked the War Department to send the needed troops.

Troops A, B, C and D, of the 12th cavalry from Fort Robinson, Nebraska, were sent to Gallup, New Mexico, where they were placed under the command of General Hugh Scott.

Superintendent Peter Paquette, Chee Dodge, Doctor Norbert Gottbrath and Father Anselm Weber went to Gallup to meet with General Scott, expressing their fears about using troops on the reservation. General Scott reassured the men that he had no intentions of starting an Indian war. Troops were needed, he felt, to impress upon the Navajos the seriousness the government placed on their refusal to obey its orders.[29]

Superintendent Shelton meanwhile, added to the unrest already on the reservation. He sent out orders for all whites on the reservation to proceed to areas of safety, either on or off the reservation. At the same time Shelton asked for permission to hire extra night guards to protect the Shiprock Agency.

Word was sent to Bizhoshe to come to Noel's store at Sanostee for a meeting with General Scott. The Beautiful Mountain group arrived at the trading post the next day. This group included Bizhoshe, his son **Atsidii Nééz Biye'** and Atsidii's wife and two daughters.

Because the day selected for the meeting was Thanksgiving day, November 27, 1913, General Scott arranged a feast of mutton in the guest hogan [illegible] store. Following the dinner, the meeting took place in the store. For two days, General Scott listened to the stories of the accused and tried to impress upon the Navajos why it was necesary for them to surrender and obey the lay.[30]

General Scott stated that even if Superintendent Shelton had been wrong in the things he had done, it was still necessary for the Navajos to change their ways and begin to use the laws of the United States and its courts to solve their problems, rather than taking the law into their own hands. Times had changed, the old ways were being left behind, now there were new ways and they must be followed. He had, he stated, three thousand soldiers to see that the law was obeyed, and he would use them to see that it was. The laws of the land must be kept by both the whites and Indians. While the soldiers could punish them for their wrongdoings, they could also protect the Navajos from those who tried to do them harm.[31]

Bizhoshe gave in and General Scott allowed the accused men two days back at Beautiful Mountain to place their affairs in order. Two days later, on Sunday, Bizhoshe and his men surrendered and were taken by army ambulance to Gallup and put on a train for Santa Fe. They were accompanied by Chee Dodge and Father Anselm Weber, who testified about the case on December 3, before Judge Pope of the U.S. District Court. Testimony in the case brought out the part played by rumors and publicity, which had blown the incident out of all proportion.[32]

On December 4, 1913, Judge Pope dismissed all except one of the charges against the eight accused men. The men were charged with unlawful assembly and Bizhoshe, two of his other sons, **Bizhoshe Biye'** and **Atsidii Nééz Biye'** along with Hosh-tah and Ni'dilwolí, were given ten days in jail. Hataalii **Chíí' Yázhí** and **Ni'dilwolí benálí** were sentenced to thirty days. The charges against Nez-bit-chili, Bizhoshe's son-in-law were dropped. All sentences were to be served in the McKinley County jail at Gallup so the men would be close to the reservation.[33]

The Beautiful Mountain uprising was the last time large numbers of U.S. troops were used against the Navajo Indians.

The Rights of Indians

The handling of such incidents as the Beautiful Mountain Uprising, the Tol Zhin and Bia-a-lil-le Affairs by the agents and officials of the Bureau of Indian Affairs often brought harsh criticism from both individuals and Indian rights groups. These criticisms were generally aimed at the legalities involved in punishing those Indians who had taken part in the incidents. The question of legal rights for Indians, as well as jurisdiction by state and federal courts over crimes committed by Indians, had long posed a problem for government officials.

As wards of the federal government, the Indians' needs were subject to Bureau of Indian Affairs approval and control. Money for Indian needs were appropriated by Congress on a yearly basis, and many times laws and regulations concerning the Indians were passed as part of these appropriation bills.

The rules and regulations passed by Congress were left up to the Bureau to enforce. The enforcement of these laws and punishments for disobediance created a legal problem for the Indian Office. In fact, the entire question of Indian rights, crimes and punishments, as well as court jurisdiction, was a problem which needed settling.

As early as 1883, the federal court system had become involved in Indian affairs, in an effort to determine who had jurisdiction over crimes committed by Indians against other Indians on reservation lands.

The Federal Government and Indian Law

In its early Indian policies, the federal government had denied the federal court system the power to try cases involving crimes committed between Indians within Indian country. This policy was to be changed following a Supreme Court decision reached in the case of *Ex Parte Crow Dog* on December 17, 1883. This case, which was to have far reaching effects upon all Indian tribes within the United States, occurred when Crow Dog, a Sioux chief of the Brule band, was sentenced to death by the First Judical District Court of the Dakota Territory.

Crow Dog had been found guilty of killing Spotted Tail, another member of the Brule band. He appealed this lower court decision to the Supreme Court and asked that he be released. Crow Dog charged that the Federal District Court had no legal authority to try cases involving crimes among Indians in Indian country. After hearing the case, the Supreme Court voided the lower court decision and released Crow Dog.

In releasing Crow Dog, the High Court ruled that Congress itself had forbidden the federal courts the rights to try cases of this kind. The Court further ruled that since this was a case involving life or death, the U.S. Judicial Court had no right to try people of another culture by its own standards, that the customs and codes of the Indians were different. The Judicial court had not taken these cultural differences into consideration when the case had been tried. The Indians, the Supreme Court ruled, were not knowledgeable of American legal codes and had not been tried by their peers.

In order to prevent other cases such as that of *Ex Parte Crow Dog* from arising again, Congress on March 3, 1885, passed the Major Crimes Act. This act gave the federal courts jurisdiction over seven major crimes committed by Indians on reservations. These crimes included murder, manslaughter, rape, assault with intent to kill, arson and larceny. At later dates, three more crimes, robbery, incest, and embezzlement of tribal funds, were included in the Major Crimes list.

On May 10, 1886, the Supreme Court upheld the constitutionality of the Major Crimes Act passed by Congress. This occurred when the Court tried the case of two Indians who committed murder on the Hoopa Valley Indian

Reservation in California. The Supreme Court declared that federal law now clearly defined the right of the United States government to try cases involving the listed seven major crimes. The Court ruled that the Indians were considered to be wards of the federal government and they were dependent upon the federal government for protection.

Thus the Major Crimes Act of 1885 further took away the traditional self-government of the Indian tribes.

Courts of Indian Offenses

The Bureau of Indian Affairs had been operating its own system of courts on Indian reservation since April 1883. These courts, known as the Courts of Indian Offenses, were the work of Secretary of the Interior Henry M. Teller.

Teller originally planned for these reservation courts to be used to carry out his policies to abolish what he termed "undesirable practices" among the Indians. The traditional customs to be abolished included tribal religious ceremonies, the practices of medicine men and the enforcement of Anglo marriage customs to replace traditional Indian marriage practices.

These Courts of Indian Offenses were organized and maintained by an administrative order issued by the Secretary of the Interior. Each court had from two to three judges, selected by the agent. These judges were chosen from among the older men of the tribe, men who had long served as leaders and were highly respected by their own people for their wisdom and judgement.

According to Dale in *The Indians of the Southwest,*

> No sharp distinction was made between civil and criminal law, and the tribal procedure was quite informal, but with great dignity. No formal rules of evidence or attorneys were used. The witnesses were summoned and questioned by the judges. It was a 'common sense' court.
>
> The judges, after questioning the witnesses, retired from the room for a conference, then reappeared and gave their decision in the case. The decision was valid only when approved by the agent. He sometimes modified the sentence given and it was the agent's duty to see that the sentence was carried out.[34]

Although most agents had places they used for jails, these were generally used for minor offenses only. In criminal cases the punishment usually given was from ten to ninety days in jail. Often the offender was locked up at night and spent the days working around the agency ground. Indians accused of major crimes were tried in federal courts and if found guilty were sent to federal penitentiaries such as Alcatraz or Leavenworth.

In 1914, the federal government began to require reports on the number of people placed in agency jails and the type of offenses they had committed.

New Rules for the Courts of Indian Offenses

On August 27, 1892, Commissioner of Indian Affairs Thomas J. Morgan issued new rules for the Courts of Indian Offenses. These new rules further defined the court system and the type of offenses under its jurisdiction.

Under these new rules, the Commissioner of Indian Affairs would decide if a reservation could best be served by such a court. If so, that reservation would be broken into three or more districts. Each district would have a judge appointed by the Commissioner of Indian Affairs. These judges would be selected on the basis of intelligence, integrity and good moral character. Those men who could read and write English would be given preference. The judge must wear Anglo style clothing and could not be a polygamist.[35]

These judges were to be appointed for a one year term, and could not be removed from office until their term was up, except by established procedure.

The new rules also made it an offense for any Indian to take part in a ceremony or feast such as the sun dance, scalp dance, or any war related activity. Plural or polygamous marriages were banned along with all practices of medicine men. Other offenses listed were destroying the property of other Indians, immorality and misdeameanors in general.

Marriages were to be performed by judges and the agents were given the power to force witnesses to attend the court hearings as well as enforce the orders of the courts, using the Indian police force if necessary.

The Bureau of Indian Affairs set up a Court of Indian Offenses on the Navajo Reservation in 1903. The court, with three Navajo judges, appointed and paid by the government, was basically an Anglo institution. Although the court was somewhat new to the Navajos, they had been in contact with the Anglo law for many years. The Navajos and Anglo law had met in the form of the many treaties made with the American army. These treaties, issued and agreed to through an interpreter, were seldom kept by either side.

The Americans never realized that the signatures on the treaties did not bind the entire Navajo tribe to obey the treaties. Failing to understand this fact often led the American army to punish the entire group for the hostile acts of a few.

On the other hand, the Navajos, relying upon an interpreter to bridge the language barrier, possibly never understood fully the terms of these treaties, or the importance the Americans attached to them.

As a result of these misunderstandings, the Navajos eventually felt the full power of the United States and its army which resulted in the Navajos

Long Walk and their four year captivity at the Bosque Redondo Reservation at Fort Sumner. The law of the Anglos had come to the Navajos by force. The Navajos having no background of written legal systems and a completely different culture, were bewildered and many times angry as a result of their treatment by the white man's law.

The white man's law was a legal system, developed over many centuries, written and codified, with set rules and punishments. The Navajo system was also developed over a long period of time and was basically a way of personal conduct designed to keep balance and order within their lives. Their rules and punishments had long been developed to meet the needs of their own culture and society. Now the written legal system of the Americans and the traditional customs of the Navajos met head-on.

As a conquered people, the Navajos at first regarded the white man's law as a form of punishment. It all seemed to be against them, leaving no room for their own established customs and religion.

During the period before 1900, most of the problems facing both the Navajos and the Anglos in charge of the agency and schools on the reservation came from a lack of knowledge about each others cultures. However, a few far-sighted men such as Henry Chee Dodge realized the necessity for the Navajos to eventually adapt themselves into the dominant Anglo world. This adaption could be made as long as the Navajos retained their Navajo heritage as well as accepting that of the Anglos.

It was difficult for most Navajos to understand why a certain Anglo law applied to a case, when Navajo tradition called for another way of solving it. One such instance involved a trial of witchcraft in the Shiprock area in the early 1900's.

Vecinti in *The Law and The People*, states that:

> When court had been in session for two days, a man charged a well known medicine man with making the man's children ill and his wife to die. Also, the man stated that his sheep had scabies. He wanted the court to consider the charges.[16]

The man's charges were perfectly legal within Navajo traditional law, but the agent, not understanding this, attempted to set the man straight and apply Anglo law and tradition to the case.

> The agent spoke at some length about the foolishness of the charges, explaining that in past American history, witches were punished by death, usually by hanging, burning or drowning. That the people (Americans) no longer believed in that sort of thing. The agent stated that he was very proud of his talk.
>
> About a year later, the agent learned that his talk was taken just

> the opposite of what he had intended. The people had followed the white man's example, the medicine man was never seen again.[37]

The Navajos had simply handled the case in their traditional way.

Generally the agent paid little attention to the problems arising between Navajos, and many Navajos felt that the white man's law could not solve their problems. The white man's law might fine a person or put him in jail, but this didn't set him right with his community and his family.

As a result of this feeling, many Navajos would not put up a defense for themselves in court, but accepted the agent's punishments. Later they would follow the customs of the people and try to bring back order into both their lives and the lives of the people with whom they associated.

The reservation courts had been set up partly in response to the need of making traditional Indian law and the written law codes of the Anglos work together. The success of this idea depended greatly upon the agent in charge. If he respected the customs of the people, the two ways might be blended together into a workable system which benefited everyone. If he believed the people's customs were of little value, he might apply Anglo law to each case and disregard the wisdom of the Indian judges.

It would be many years before any court officers would be well enough versed in both Anglo and Indian traditional law to apply these as each individual case merited.

Federal Indian Philosophy and Policy

During the period between 1900 and 1920, the federal government failed to decide upon a reasonable, continuous Indian policy. The laws passed during this time reflect the difficulty in deciding whether to give the Indians more control over their lands, or to give the government control of his lands.

The Navajo Tribe, because of its ever increasing population and growing reservation area, was to be the victim of these ever changing policies as were other Indian tribes within the United States.

As in most issues, there were two sides to the Indian question. The philosophy of one group was stated by Captain R. H. Pratt of the Carlisle Indian School. Pratt stated in the *Report of the Superintendent of Indian Schools, 1900,*

> Break up the reservation; push the Indian out into life; give him experience outside his home; let him hustle for himself; compel him to earn a living; force him to use his own powers and rely upon his own efforts.[38]

Francis E. Leupp, Commissioner of Indian Affairs in 1905, represented the other group. While Leupp agreed in part that the Indians must become self-supporting, he also recommended in the *1905 Report of the Commissioner of Indian Affairs* that many parts of the culture of the Indians should be preserved. Leupp contended that:

> The Indian is a natural warrior, a natural logician, a natural artist. We have room for all three in our highly organized social system. Let us not make the mistake in the process of absorbing them, of washing out of them whatever is distinctly Indian . . .[38]

Unfortuantely, the acculturation and assimilation policy groups found more favor with the United States government and most federal laws in the early 1900's regarding the Indians reflected this.

The Bureau of Indian Affairs also helped to make Indian policy and each Commissioner tended to have his own ideas as to what should be done to help carry out the policy of Indian self-sufficiency. These suggestions ranged from ending the ration programs to ending federal guardianship for Indians as well as for the abolition of the reservation system. Some of these suggestions were used by Congress, others were rejected.

Most of the laws regarding the Indians during the period between 1900 and 1920 were concerned with the use of Indian lands, especialy those lands alloted the Indians under the Dawes Act of 1887. Generally, the laws passed were part of the yearly Indian Appropriation Acts made by Congress. For example, the Appropriation Act of 1900 contained a provision which made it legal for individuals to lease, or rent out their allotments to someone else. The 1901 Appropriation Act gave the Indians the right to protect his allotment in court. The 1902 Act provided for the allotment to be inherited if approved by the Secretary of the Interior.

The Burke Act of 1906 permitted the Secretary of the Interior to declare certain Indians competent before the twenty-five year trust period on alloted lands was up. This allowed the owners of alloted lands to sell them. Unfortunately, years after this act was passed, more than one-half of those who received titles to their lands had sold out and left themselves poverty stricken. To protect these people from being taken advantage of by others, a Competency Commission was set up in 1911. This Commission required rigid proof that the Indian who wished to sell his allotment was competent to handle his own affairs.

Later appropriation Acts between 1907 and 1910 provided for the Secretary of the Interior to sell alloted lands if the owner died. The Secretary could also control rent money paid for alloted lands that were leased. Another provision stated that the Indians could not be forced to sell lands held in trust for them by the United States government.

Other Congressional actions included a 1907 act which set aside money to be used to help end the use of liquor on the reservations, and in 1908, Congress passed a law which made it legal to give loans to individual Indians. In general, the appropriation acts tended to give more and more power and control over Indian matters to the Secretary of the Interior and less to the Indians themselves.

Footnotes

[1] Lawrence Kelly, *The Navajo Indians and Federal Policy, 1900-1935* (Tucson: University of Arizona Press, 1968), p. 20, n 5.

[2] *Ibid.*, p. 27.

[3] Ruth Underhill, *Here Come the Navaho!* (Lawrence, Kansas: Haskell Institute Press, 1953), pp. 220-221.

[4] Frank McNitt, *The Indian Traders* (Norman: University of Oklahoma Press, 1962), pp. 284-285.

[5] Robert L. Wilkin, *Anselm Weber, O.F.M.* (Milwaukee: Bruce Publishing Company, 1955), p. 174.

[6] McNitt, *op. cit.*, pp. 286-287.

[7] Wilkin, *op. cit.*, p. 175.

[8] McNitt, *op. cit.*, p. 287.

[9] *Ibid.*

[10] *Ibid.*

[11] *Ibid.*, p. 288.

[12] Wilkin, *op.cit.*, pp. 175-176.

[13] *Ibid.*, p. 177.

[14] McNitt, *op.cit.*, p. 289.

[15] *Ibid.*

[16] *Ibid.*

[17] *Ibid.*

[18] Wilkin, *op. cit.*, p. 178.

[19] J. Lee Correll, *Bai-a-lil-le, Medicine Man or Witch* (Window Rock, Arizona: The Navajo Tribe, 1970), pp. 20-25.

[20] *Ibid.*, p. 33.

[21] Wilkin, *op. cit.*, p. 180.

[22] *Ibid.*, pp. 180-181.

[23] McNitt, *op. cit.*, p. 348.

[24] *Ibid.*, p. 349.

[25] *Ibid.*

[26] *Ibid.*

[27] *Ibid.*, p. 351.

[28] Wilkin, *op. cit.*, p. 183.

[29] *Ibid.*, p. 184.

[30] *Ibid.*, p. 185.

[31] *Ibid.*, p. 186.

[32] *Ibid.*, p. 187.

[33] McNitt, *op. cit.*, p. 358.

[34] Edward Everett Dale, *The Indians of the Southwest* (Norman: University of Oklahoma Press, 1949), pp. 168-169.

[35] *Annual Report of the Commissioner of Indian Affairs, 1892* (Washington: Government Printing Office, 1893), pp. 28-31.

[36] Dan Vicenti, et al., *The Law of the People, Vol. I* (Ramah, New Mexico: Ramah High School Press, 1972), p. 114.

[37] *Ibid.*, pp. 114-115.

[38] *Report of the Superintendent of Indian Schools, 1900* (Washington: Government Printing Office, 1901), pp. 55-56.

[39] *Annual Report of the Commissioner of Indian Affairs, 1905* (Washington: Government Printing Office, 1903-1936), p. na.

Chapter 15

MODERN POLITICAL CHANGES AND MINERAL RIGHTS

Traditional Navajo Social-Political Functions

Before 1922, the Navajos did not find it necessary to form a centralized political unit which would be representative of the tribe as a whole. Traditionally the tribe was simply a large unit of people who occupied a common territory and shared a common language and culture.

Although a central government was non-existent among the Navajos, accounts have been recorded from oral history showing that large councils or assemblies called Naachids were held prior to 1864. The purpose for those assemblies has been interpreted to be either for ceremonials, war councils or victory dances.

Little is known about the Naachids, but one account tells of a council being held near Chinle, Arizona, in 1858. The report states that at the Naachid a large circle was cleared, into which war goods, including bows, arrows, lances and shields were piled. The items placed within the circle indicated that the council had been called for war. Peace councils were indicated by the placing of domestic tools such as baskets, blankets and digging tools within the circle. Twelve peace chiefs sat at the south side of the circle and twelve war chiefs at the north side. During the assembly, these chiefs counseled for either war or peace.[1]

Williams in *Navajo Political Process* retells an eyewitness account of this assembly, originally given by Old Nata, who attended it when he was about twelve years old.

> Old Nata told how Nataleeth [sic] (**Nahataali**) or Zarcillos Largos, counseled the assembly to follow the path of peace, but Naba Jihlta (Warrior Who Grabbed Enemy), later known as Manuelito, counseled for war against the white. The decision to make war was reached after four days of discussion, and the attack on Fort Defiance was planned.[2]

The decision of the Naachid does not appear to have been binding upon the Navajos present and those who disagreed with the decision to go to war left the assembly without any ill feelings directed toward them.[3]

It is believed that the Naachid, which fell into disuse following the people's return from Fort Sumner in 1868, was used basically as a ceremonial.

Politics entered the scene only when outside forces demanded that the Navajos act as a political unit.

Before 1864, the selection of both peace and war chiefs depended upon their individual ability to carry out the functions and rituals demanded of these positions. War and peace chiefs, normally older, respected men, were chosen from each natural community. But no man could hold both positions. The peace chief or **naat'áanii** was chosen on the basis of his speaking ability and knowledge of the Blessingway ceremony. The war chief was chosen on his ability as a war leader plus his knowledge of ceremonial rituals, especially knowing one or more War Way Chants.[4]

Before the Navajo's forced stay at Fort Sumner and following their return to Navajoland in 1868, the United States government, working through the military and the agents of the Bureau of Indian Affairs, tried to create a structured political unit among the Navajos.

The military had at various times appointed Navajo leaders as chiefs of the entire tribe in making peace treaties. Only later were they to learn that this type of autocratic appointment was neither acceptable nor binding upon the Navajo people.

At the Bosque Redondo Reservation, General Carleton also met failure when he tried to create a political structure by dividing the Navajos into villages headed by chiefs and sub-chiefs. The Navajos rejected this plan and managed to keep their traditional style of government by continuing to rely upon headmen as spokesmen for their individual groups. Before their release, General Tappan requested information about the Navajos' progress and their future. As a result of this request, John Ward, Special Indian Agent, at Santa Fe, recommended a political organization for the Navajos in a letter dated August 14, 1868.

The Ward Plan, according to Young in *The Role of the Navajo in the Southwestern Drama*, provided for economic and social changes as well as a political structure with which the agents could identify and work.

In his plan, Ward recommended that the Navajos be allowed to return to their former localities. The localities occupied by extended groups and bands would represent a district, (possibly based on natural geographical barriers) and from each district three of the most influential men would be chosen and made responsible for the good conduct and behavior of their people.

These apointees would then make up a council of headmen. From this group, five were to be appointed "principal chiefs" by the agent or military in charge. These chiefs would then transact all business between the authorities and the tribe. This plan would achieve, Ward stated "what the placing of one man in power had failed to do, create a recognizable government among the Navajos which could be dealt with.[5]

For a short period following the peoples' return, the agents relied upon parts of Ward's suggestions and called upon the Navajo leaders for help in controlling the tribe, holding councils on a monthly basis. However, no formal organization took place and as time passed the agents began to assume more and more of the responsibility for tribal affairs that had formerly been handled by the Navajo leaders.

The agents generally tried to recognize natural leaders chosen by the people and to work through them in carrying out U. S. laws and Bureau of Indian Affairs regulations. The success with which these were carried out depended greatly upon the type of man the agent was and how skillful and respected the headman was.

As the number of agencies grew from the one located at Fort Defiance, to five scattered across the reservation, the agents were better able to come into contact with the people. However, many headmen refused to work with the agents and some who did were placed in an awkward position when trying to counsel their people to accept and obey the many laws and regulations set forth by the government. The Tol Zhin Affair, the Bia-a-lil-le Case, and the Beautiful Mountain Uprising demonstrate the opposition many Navajos felt toward outside forces trying to change traditional Navajo customs.

As the government, acting through its agents, placed more and more pressure on the Navajos to bring them into an accepted Anglo-American political pattern, a new type of leader began to emerge. Chee Dodge, who was the last appointed chief of the Navajos in 1884, can be considered to be an example of this new type of leader, a man who was well versed in traditional Navajo life, but who spoke both English and Navajo fluently. Dodge adopted many of the customs of the whites, but still managed to maintain the respect of most of the Navajo people.

The constant pressure by the government against the social and political structure of the Navajos made only slow progress in unifying the people into one political unit called a tribe, with tribal leaders. The discovery of oil on the reservation in the early 1920's made the creation of a tribal government a necessity, a fact which was quickly realized by many Navajos although it was not the traditional Navajo way.

Traditional Navajo Social-Political Structure

Traditionally, the Navajos did not separate the social and political parts of their culture, but combined the two to form solid socio-political units which served as the basis for their lifestyle.

These units were the biological family, the extended family, the outfit, and the natural community or local groups. Each unit had a person, usually an older, respected man, who acted as its spokesman or representative.

For the biological family, which consisted of a man, his wife or wives, and unmarried children, the man was generally the family spokesman. In making his decisions, however, he usually received wanted or unwanted advice from family members.

The camp, which was made up of an extended family or family group, generally included at least two generations of adults. A man and his wife or wives, their unmarried children, married children and their spouses, and grandchildren. The extended family might be one of three types, matrilocal, patrilocal or mixed. The family was matrilocal if only the married daughters and their families remained with the group and not the married sons. It was patrilocal if the married sons remained and not the married daughters. The family was mixed if both married sons and daughters, with their families lived with the group.

The oldest active male member of the extended family generally acted as spokesman for the group or camp. Although a woman might sometimes hold this position, it was a rare occurrence. The spokesman not only settled family problems within the camp, but also represented the camp in its dealings with other outside groups.

Each camp was a part of a larger unit, called the "Outfit" which was made up of several extended families living near one another. Although scattered over many square miles, members of the outfit regularly cooperated in such activities as planting, harvesting and major ceremonials.

The unity of the outfit was primarily based upon land use rights, and an older man generally acted as leader for the group. An outfit might have more than one leader if the recognized spokesman was too old to attend all the meetings or handle the affairs of the outfit. The leader was a highly respected man, well versed in religious matters and was a persuasive speaker.

The largest socio-political unit was the group. This was made up of several outfits, located within a natural region, surrounded by natural barriers. The size of the group was determined by the amount of resources available to sustain a large group of people.

The local groups, sometimes referred to as a community or band, also had a spokesman; Unlike the extended family and outfits, the group's headman, or **naat'áanii**, was selected by people who were not necessarily related to each other.

This position was again generally held by an older man. The **naat'áanii** was selected by a democratic process involving the entire adult population of the local group. The selection of a new headman for the group generally followed a set pattern. Following the death of the previous headman, the people waited from one to three months before they gathered to select a new man. Here the different spokesmen talked to the assembled group about who they thought should be the new **naat'áanii** Voting took place by having the candidates stand and letting the people walk over and stand behind the man of their choice.[6]

If one man did not clearly win the general agreement by the group, the candidates were given an opportunity to display their persuasive speaking ability. Following this another vote was taken. This continued until one man

was agreed on by the group. If the group could not reach an agreement, the selection was put off until another assembly was called, usually within the next six months. During this time people discussed the candidates until the next meeting.[7]

Generally the man chosen to act as the **naat'áanii** was a good speaker who was well versed in Navajo religious beliefs and was able to deal with the everyday problems among the people. One of his chief duties was to help the people get along together and he had to rely upon his persuasive speaking rather than force to get them to do this.

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In choosing the **naat'áanii**, every adult man and woman had a chance to speak at the meeting. The selection which might take several days was made only after the group had reached a general agreement on the candidate. This general agreement worked much better than the majority rule idea, as it lessened the chance of political factions within the group and added to the prestige of the **naat'áanii** who was selected by agreement of all the people he was to represent and serve.[8]

The **naat'áanii** was elected for life and his position was not hereditary. However, before he died, he was expected to resign and name a successor. This could be a son or a sister's son, but the local group did not have to accept the person named.

According to Williams in *Navajo Political Process* the newly selected **naat'áanii** went through an initiation ceremony at which his lips were annointed with pollen that had been grown on the slopes of the four sacred mountains, Jemez,* La Plata, Mount Taylor and San Francisco. This was to enable the new **naat'áanii** to make powerful speeches. The ceremonial annointment was accompanied by songs, and occasionally tobacco grown on the four sacred peaks was smoked by the chosen man.[9]

Williams reports that "After the initiation ritual had been completed, the new **naat'áanii** addressed the assembly, asking them to help and obey him. The assembled group normally expressed vocally their willingness to follow a new leader, and at times removed their moccasins during the ceremony to indicate their willingness to obey him.[10]

The naat'áanii did not use force, he used his ability to compromise and persuade the persons he worked with to settle their problems or change their ways. He stressed the good things needed by an individual or group to make life pleasant and orderly. He cleverly told stories from Navajo legends and religion to make his point clear. A naat'áanii who managed to carry out his duties skillfully, was held in high regard in his own area as well as others.[11]

The respect shown by the people was the only pay the **naat'áanii** and his assistants received. These assistants were chosen by the **naat'áanii** and helped him conduct the affairs of the group.

In addition to settling problems between husband and wives, family fights, and disputes between extended families within the group, the **naat'áanii** was also responsible for dealing with cases of witchcraft. He could give death sentences in these cases as well as other cases involving serious crimes. However, the death sentence could only be given after a complete discussion of the case and final agreement by the local group involved.[12] While the **naat'áanii** appeared to have the power usually given to one powerful central authority, actual power lay in the hands of the people. Public opinion was arrived at in open meetings where all adults, both men and women, had a chance to speak. Group decisions, along with the guiding services of the **naat'áanii**helped keep order and harmony within the lives of the Navajos.

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* The exact location of the sacred mountain of the east (Sis najini) is sometimes debated. Blanca Peak is the most widely accepted site.

The Navajos were to be strongly affected by both the acts of the United States Congress and the legal decrees and regulations of the Bureau of Indian Affairs. They, like most other Indian groups, had already had a long history of encounters with Anglo law, encounters which, in many instances, contrasted sharply with their own customs.

Traditional Navajo law was unwritten and enforced not by a few men with badges, but by all the people. The law was not considered to be separate, all by itself, but a part of the whole Navajo way of life. It was considered to be one of the many parts that made up the group's religion. It was lived every day by the people. Traditional Navajo society required the people to act not only on a one-to-one basis, but they also had to interact with the community in which they lived.

The people had to depend upon one another and the acts of an individual influenced not only the person involved, but also the lives of those around him. Thus it was necessary to maintain a balance between order within the group as a whole and the rights of an individual person. Whenever a person committed a wrong act, that person was expected to set things right with the person offended and with his family. The people were taught as part of their lives to respect this belief, and to respect the property and rights of others.

In learning this basic knowledge of cooperation and respect, Navajo boys and girls were brought up and treated as adults even while they were young. Traditions, legends and stories of the right way of conduct were used as an educational training ground for each member of the group.

Anyone who threatened the stable order of Navajo society was to be feared. If a person did not immediately try to right his wrongdoing, he might be thought of as being a witch, or under the influence of witches, for the witch operated outside Navajo law and society. Also those members who grew too rich and powerful could do harm to their fellow men if they lived outside the law.

For those who broke the order of things, the group as a whole acted to bring force upon the wrongdoer. No one authority or body was set up to deal with the culprit in Navajo society. Gossip and criticism were the major ways of control during this period. Stories about the person or persons who acted wrongly went a long way in helping the family bring the person back onto the right path, acceptable to society. The entire community might work together in a meeting to solve a problem, discussing all possible things, some of which were not directly related to the topic under discussions.

A person accused of wrongdoings was given a lecture, sometimes using stories to make a point. This generally involved showing the person how to set himself straight and how to get along with individuals and community. If a person had to be lectured, then he was considered guilty and needed help to change his bad behavior. This unacceptable behavior might include stealing, ridiculing others, or wishing others or their livestock dead. If a person acted wrongly it would be remembered for a long time and that person would have to work long and hard to put himself right with the community again.

Many of these traditional ways of controlling individual and group actions remain in force at the present time. Others, including many traditional political functions, have tended to give way to a modern central government represented by the Navajo Tribal Government and its various departments. The forerunner of today's modern tribal government received its start in the early 1920's as a direct result of the need by federal officials to get approval from the Navajo people for oil and gas leases on the reservation.

The need for this representative tribal government came as an indirect result of outside mining interests seeking permission to prospect for minerals on the reservation in the late 1800's and early 1900's. Later, the interest in reservation mineral resources would shift to oil and gas resources and lead in a round-about way to the establishment of a Tribal Business Council. Later changes would eventually see the formation of a type of government more representative of the Navajo people which would grow and change until it evolved into its modern form.

Mineral Law and The Reservation

Until the Mining Law of 1891 was passed by the United States Congress, the Navajo Reservation had been closed to all prospectors and mining interests. Those prospectors who trespassed on the reservation were driven out and in some cases fined for breaking the law.

It had long been felt that the 1868 Treaty portion of the reservation contained great wealth in the form of gold and silver deposits and the mining interests had long demanded that they be allowed to enter the Indian lands and take advantage of this wealth.

By 1891, the forces in favor of mining on the Treaty Reservation gained enough power to get the Mining Law passed. This law stated that a council of Indians, representing the tribe as a whole, could grant 10 year leases to the prospectors. The areas which were to be leased and the price of mining leases were to be decided following the recommendation of the agent in charge of the reservation area which contained the mineral deposits. Final approval of all mining leases rested with the Secretary of the Interior.

During the early 1900's, a strong conservation movement had begun in the United States, with Presidents Theodore Roosevelt and William Howard Taft withdrawing millions of acres of public domain lands from homesteading and mining entry. These withdrawals of public lands were opposed by those individuals and groups who held mining interests in these lands. The basic question which faced the country was whether these lands should be held in reserve to protect the natural resources, or whether they should be opened for mining use on a lease basis.

Congress soon found itself divided on the issue, with the Senate generally siding with the conservationists. Included in the questions concerning public land use, was the use of Indian lands set aside by Executive Orders. The basic problem revolved around the issue of whether these lands belonged to the federal government or to the Indians who had received them.

Between 1904 and 1918, several attempts were made to open up these Executive Order lands for mining purposes. Those who wanted the lands opened, steadily claimed that the lands and their mineral deposits legally belonged to the Indians just as those lands within the treaty reservation did. Thus, the Indians, under the terms of the Mineral Law of 1891, could lease their lands if they wished. There was no opposition to the claim that the lands legally belonged to the Indians, but the conservationists rejected the entire idea. They were afraid that if these Executive Order lands which had come from the public domain were opened to leasing, then legally, the entire public domain could be leased. This would end all their efforts to preserve some of the nation's natural resources.

When the new States of Arizona and New Mexico were admitted to the Union in 1912, new pressures were placed on Congress for the opening up of the vast Navajo Reservation lands outside the 1868 Treaty Reservation. In 1912, Arizona Senator Henry F. Ashurst introduced a bill calling for the opening of both the Treaty Reservation and Executive Order additions for mining under the 1891 Mining Law. This bill was defeated as were two like it which were introduced in 1916 and 1918.[13]

By 1920, the conservation forces were losing ground and two acts were passed which allowed unalloted Indian reservation lands within nine western states to be opened for mining purposes. These lands, which had earlier been withdrawn from mining entry, could now be leased by the Secretary of the Interior for mining of gold, silver, copper and other valuable minerals. This Metalliferous** Minerals Leasing Act, passed during the World War I scare over a shortage of minerals needed for the war effort, did not apply to oil, gas, or coal deposits that might be located on these lands. The acceptance of these acts opened up nineteen million acres of Indian land to prospectors in Arizona and eight hundred and eighty thousand acres in the states of California, Montana, Idaho, New Mexico, Nevada, Oregon, Washington and Wyoming. The Act, passed as a 'rider' under the 1920 Appropriation Bill, provided for a royalty of not less than five percent of the value of the minerals mined which was to be used by Congress for Indian purpose.[14]

The second act, the General Leasing Act of 1920, proved to be even less favorable to the Navajos than the Metalliferous Minerals Leasing Act had been. Under the earlier act, there was no opposition to giving all royalty monies to the Indians. The unalloted lands to be mined lay within the Executive Order additions given to the Indians. However, these same supporters of the Metalliferous Mineral Leasing Act were to change their

** Metalliferous = containing metal

minds following the discovery of oil on the Navajo Reservation in 1922. Following this discovery, they began to claim that Executive Order lands were in fact federal lands which had only been given to the Indians to be used, not owned.[15]

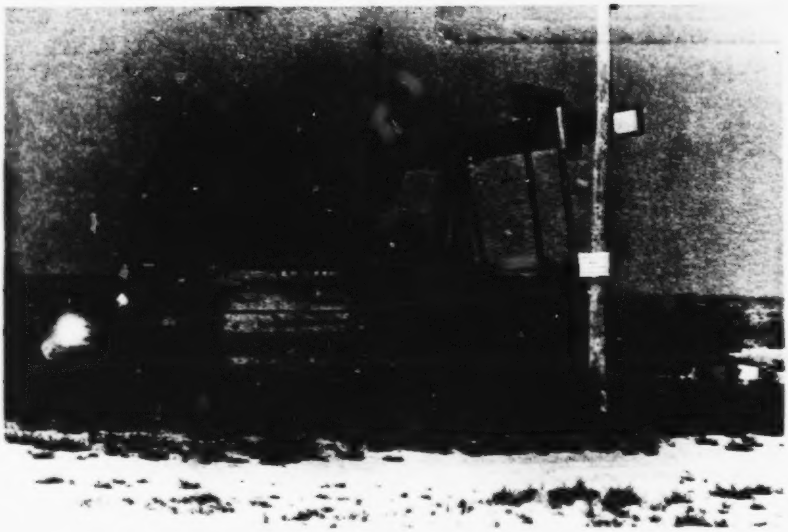
Passage of the General Leasing Act of 1920 was bitterly fought out and finally compromised between the House and Senate. The Act provided that public domain lands could be opened for prospecting. Following the discovery of oil, gas or coal, the prospector could lease one-fourth of his find and pay a royalty of five per cent to the federal government. The remaining areas were to be divided into sections not to exceed 640 acres. These areas were then to be leased to the highest bidder for a basic 20 year period, with rights to renew the lease every 10 years thereafter. Thirty-two hundred acres was the maximum any one individual or corporation could hold in a proven oil, gas or coal producing area. All royalty monies were to be divided between the state and federal governments. Ten per cent of the royalty money was to go to the federal treasury to be used to pay for administering the leases. Thirty-seven and one-half per cent was to go to the state to be used for building roads and schools. Fifty-two and one-half per cent was to be deposited in the federal reclamation fund to be used for building dams and irrigation projects on federally held or controlled lands.[16]

In 1921, four oil companies, the Midwest Rifining Company, controlled by Standard Oil of Indiana; Western States Oil and Land Company; Kenny Oil and Refining Company; and the E. T. Williams Oil Company asked that a council of the San Juan Agency Navajos be called to issue oil leases.[17]

The correct process for calling a council was followed. The first council met to consider the companies' request for oil leases on May 7, 1921. After considerable discussion however, the Navajo refused to grant any leases to the four companies.

Shortly after this council meeting, the Midwest Refining Company asked for another council to be called. This council, held on August 13, 1921, finally granted the Midwest Company a 4,800 acre lease at the Hogback, northeast of present-day Shiprock, New Mexico. The change in the policy of granting leases by the council seems to have been based on three things. First a lease was granted to determine if oil did exist in that part of the reservation, second, Midwest promised to hire Navajo workmen, and thirdly, Midwest indicated it would pay higher than average wages to its Navajo workers.[18]

It is possible that the council, displaying a sharp sense of business, felt that any discovery of oil by Midwest would mean higher prices per acre for any future leases as well as in any possible future drilling operations. The success of the Midwest Refining Company in getting a lease from the San Juan Council soon led other companies to increase their demands for another council to be held. As a result of these demands, a third council was held on March 5, 1922.[19] This council, however, refused to grant any new leases. The pressure from the oil companies continued and a fourth council was called on



Well site in the Rattlesnake oil field with the Shiprock in the background, 1978.

September 23, 1922. This council resulted in one lease being granted to the Producers and Refining Corporation in the Tocito Dome area, about fifteen miles southwest of the Midwest Refining Companies lease at the Hogback.

On September 24, 1922, the day after the San Juan Council meeting, the Midwest Oil Company struck oil on their Hogback lease. This well contained the third highest grade oil produced in the United States at the time. This discovery began an "oil rush" to the reservation area, and Farmington, New Mexico, became an overnight "boom town". Everyone wanted a chance to strike it rich on the Navajo Reservation. It was not long until the treaty portion of the Navajo Reservation was covered with lease applications.[20]

At this time the question arose concerning the leasing of those Executive Order lands which had been withdrawn from the public domain for Navajo use. Albert B. Fall, of New Mexico, who had become Secretary of the Interior in 1921, introduced a bill into Congress to allow the leasing of these lands for drilling purposes. Following the failure of Congress to pass this bill, Secretary Fall placed these Executive Order addition lands under the General Leasing Act of June 9, 1922. This action by Fall placed the Navajos claim to title of these lands in danger, because it in effect maintained that these lands were still public domain lands and not Indian property. The lands had been created by Executive Order and could be withdrawn from Indian use by the same method. These lands were not like the 1868 Treaty Reservation which was clearly given to the Indians and under the wardship of the federal government.

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In 1923, Fall resigned his position as Secretary of the Interior, and was replaced by Hubert Work. Later, Fall's illegal actions in the form of oil leases resulted in the famous Teapot Dome Scandal. This change in leadership within the Department of the Interior also brought about a reversal of Fall's decision concerning the leasing of Executive Order lands. Permits for drilling on these lands was now forbidden.

The Bureau of Indian Affairs next obtained authority to auction off oil and gas leases from the Navajo Business Council which had been set up in 1922 to handle these leases on the Treaty Reservation. The leases were to be auctioned off to the highest bidder in Sante Fe. The conditions of the bidding required that the successful bidders must begin drilling immediately to determine if oil existed on the reservation. Leases next to the Hogback area, and the Tocito Dome, Table Mesa, Rattlesnake and Beautiful Mountain leases went for only $1,000 each.[21] The Rattlesnake site because of its closeness to the Shiprock was considered unfavorable for the existence of oil. This of course proved false and the site later became an important oil find.

On May 19, 1924, Congress passed the Indian Oil Leasing Act, which helped define and clarify leasing Indian oil lands on the Treaty Reservation. States where oil was discovered were allowed to tax oil and gas productions on reservations the same as they did off reservation production.

The question of oil leases on Executive Order lands, the royalty and tax problems which would arise from such leases, as well as the basic question of whether title to these lands belonged to the federal government or to the Indians remained a complicated problem.

Following the introduction and failure of several bills to solve these questions, Congress, in 1927, finally passed another Indian Oil Leasing Act, which although it did not clearly state that Executive Order title belonged to the Indians, did indicate that Congress intended the Treaty and Executive Order Reservations to be considered the same.

No oil, however, was discovered at this time on the Executive Order portion of the Navajo Reservation, and the leasing of these lands was discontinued in 1929, reflecting the general conservation moves of the federal government.

In 1927, there were 29 producing wells on the Navajo Reservation but a drop of oil prices forced many of the oil companies on the reservation to cut back production. Other oil fields were being opened in New Mexico and as a result, between 1929 and 1934, no oil discoveries were made in the Navajo area.

As the economic depression of the 1930's deepened, the oil revenues paid to the Navajos went down accordingly, and by 1935 only 33 wells were producing. In total, the tribe received only $1,227,705 in royalties up to 1937, part of which they had chosen to spend in acquiring new lands for the people, rather than following the path taken by other "oil rich" tribes, who divided the money among the tribal members. The oil boom seemed to be over. It had, however, shown the need for some type of central government for the Navajo tribe and eventually led to the formation of a modern tribal government.

Business Council Established

The September 24, 1922 discovery of oil by the Midwest Refining Company on its Hogback lease, brought about immediate requests for more council meetings to grant leases. These requests showed the need for some type of tribal government to represent the Navajos in their business dealings with the oil companies.

The actual discovery of oil on the Navajo Reservation plus the increased demands for councils to be called, led the Department of the Interior to begin questioning the practice of having to call councils into session each time leases were requested. After careful thought, the Department decided that granting leases by the local councils in the agency jurisdictions was not in agreement with Article X of the 1868 Treaty. The Department decided that the mineral resources of the reservation belonged to the Navajos as a tribe rather than to those living in the agency area where the minerals were located.

As the regulation requiring a council of three-fourths of all adult males was not workable as stated in Article X, the Department suggested that a representative governing body be set up to handle leases for the entire Navajo Tribe. Following this Department of Interior decision and suggestion, Commissioner of Indian Affairs Charles H. Burke was instructed to get broad authority from the Navajos to set up a representative group to sign all oil leases for the tribe.

This was accomplished in 1922, when a Business Council was organized with three important Navajos, Chee Dodge, Charlie Mitchell and Dugal Chee Bekis, being given the power to arrange leases for the tribe. The Business Council handled tribal leases for only a short time before Commissioner Burke decided that the new Council did not represent all sections of the Treaty and Executive Order Reservations. The Navajo people were not truly represented by the three Business Council members as they had not been elected by a popular vote of the people.

The Tribal Council

The questions concerning the legality of the Business Council to grant leases and conduct tribal affairs led Commissioner Burke to draw up a new plan for tribal government for the Navajos on January 27, 1923. The new plan, approved by Assistant Secretary of the Interior, F. M. Goodwin, contained a set of regulations which called for a "Special Commissioner to Negotiate with the Indians". This special commissioner would have authority over all six reservation agencies, including the Moqui (Hopi). Each agency jurisdiction would elect one delegate and one alternate to form a tribal council. This council would then have the legal authority to represent the entire Navajo tribe in approving mineral leases on the reservation.[22]

The regulations also gave the Secretary of the Interior the power to appoint delegates if an agency jurisdiction failed to elect one, along with the right to remove Council members for just cause. Provisions were made for Council officers, which would consist of a Chairman and Vice-chairman, each elected for four year terms. The Chairman was to be chosen from candidates outside the Council membership, while the Vice-Chairman position was to be filled by one of the elected delegates. The Council Secretary and regular delegates did not have a specified term of office included in the plan. Council meetings were to be called by the Special Commissioner to the Navajo Tribe and could not be held without his presence.[23]

Herbert J. Hagerman, former Territorial Governor of New Mexico, was appointed as the new Special Commissioner to Negotiate with the Indians and started immediately to put the plan for a Tribal Council into action.

Following a meeting in Albuquerque with the six agency Superintendents, Hagerman forwarded the Superintendents' suggestions for changes in the Council plan to Commissioner Burke. The recommended changes were included in a revised set of regulations which were issued on April 24, 1923.

The new regulations included changing Hagerman's title to "Commissioner to the Navajo Indians", as well as the election of two delegates and two alternates instead of one each. The removal clause was dropped and rules for a quorum as well as rules for succession in case the Chairman or Vice-Chairman's position should become vacant between elections was added. The new plan also called for the tribal delegates to be divided among the six agency jurisdictions on the basis of population. The San Juan Agency was to be allowed three delegates, the Western Navajo Agency two; Fort Defiance, four; and the Pueblo Bonito, Leupp and Moqui Agencies one each.

The new Council plan was put into action, with the first tribal Council delegates being Robert Martin, Deshna Clah Chischillige, Jacob Morgan, Todachene Bardony, Hosteen Nez, Becenti Begay, Hosteen Yazzie Jesus, Hosteen Usahelin, Louis Watchman, George Bancroft, Zagenitzo and Hosteen Begoiden Bega." The first meeting of the new Council was held on July 7, 1923, at Toadlena, New Mexico.[24]

At this first meeting, the Council elected Chee Dodge as Chairman and unanimously approved a resolution, drawn up in Washington, granting the Commissioner to the Navajo Tribe the authority to sign all future oil and gas leases which the Council might grant on the reservation. The resolution also authorized the Secretary of the Interior to advertise and approve future leases granted by the Council.[25]

Kelly states in *The Navajo Indians and Federal Indian Policy, 1900-1935*, that "One of the reasons for the Navajo acceptance of the Department's prepared resolution appears to have been the assurance that in return for Navajo consent to the oil-leasing plan, the Indians would receive government aid in securing new lands". Kelly also states that Hagerman told the Council "It would be difficult under any circumstances to get the federal government to consent to add more lands to the reservation, but there is a good chance to find something for you if you will cooperate with the government."[26]

The regulations which set up the Tribal Council in 1923 were revised again in 1927 and 1928. On April 20, 1927, the regulations were changed by Commissioner Burke and authorized by the First Assistant Secretary of the Interior, E. C. Finney. The new regulations allowed five year terms for both officers and delegates to the Tribal Council. The new regulations also tended to clarify the steps to be taken concerning the line of succession for Chairman and Vice Chairman should these offices become vacant because of death or removal from office.

The regulations were revised again on October 15, 1928, to allow women to vote in tribal elections, and the terms of officers and delegates were again set at four years. The new regulations also took the power for calling the Council meetings from the "Commissioner to the Navajo Tribe" and placed it in the hands of the Commissioner of Indian Affairs.

The early Tribal Council met on an annual basis, generally for a two day period. In those early years of its existence, between 1923 and 1936, the regulations concerning the Council remained relatively the same. The Council had been planned and its regulations drawn up by the Department of the Interior in Washington to deal with oil and gas leases in such a way as to satisfy Article X of the 1868 Treaty.

Because its creation and organization rested in the hands of the Department of the Interior, its continuance, as well as approval of its decisions, continued to remain there. This dominance of the Tribal Council by the federal government has led many historians and anthropoligists to declare that the early councils were only "rubber stamps" or "yes men" groups for the Interior Department's plans and directives.

Lawrence Kelly challenges this position in *The Navajo Indians and Federal Indian Policy, 1900-1935*, by stating that while the federal government did control the Tribal Council through the actions of the Department of the Interior before 1938, the minutes of the Tribal Council sessions show that the delegates were often outspoken and forceful in their opinions. Even though these opinions were rarely listened to by the authorities in Washington, the fact that they were made stands as a matter of record.[19]

In addition to the criticism aimed at the Council because of its dependence upon Washington, it was also criticized as not being either the true government of the Navajos or of representing them completely. Because the Tribal Council was the creation of an outside force, the federal government, and not a part of outgrowth of the traditional socio-political pattern of the Navajos, it was considered to be a separate unit by many Navajos. The Council had been established as a means of approving oil and gas leases and as a representative tribal body necessary for dealings between the Tribe and the federal government.

Thus, the Council in carrying out its functions touched the lives of very few of the average Navajos, who continued to follow the traditional pattern of relying on the headman for political and social guidance in their daily lives.

This separation between the tribal government and the lives of the people came to an end in 1933 when the Tribal Council was faced with the issues of grazing controls, range management, and livestock reduction programs, issues which concerned the traditional livestock economy of the Navajos which formed the basis for their traditional lifestyle.

Footnotes

[1] Aubrey Williams Jr., *Navajo Political Process* (Washington: Smithsonian Institute Press, 1970), p. 5.

[2] *Ibid.*

[3] *Ibid.*

[4] *Ibid.*, p. 6.

[5] Robert Young, *The Role of the Navajo in the Southwestern Drama* (Gallup: The Gallup Independent, 1968), p. 44.

[6] Williams, *op. cit.*, p. 15.

[7] *Ibid.*

[8] *Ibid.*

[9] *Ibid.*, p. 6.

[10] *Ibid.*

[11] *Ibid.*

[12] Dan Vicente, *The Law of The People, Vol. II* (Ramah, New Mexico: Ramah High School Press, 1972), p. 117.

[13] *Lawrence Kelly, Navajo Indians and Federal Indian Policy, 1900-1935* (Tucson: University of Arizona Press, 1968), pp. 40-42.

[14] *Ibid.*, p. 42.

[15] *Ibid.*, pp. 43-47.

[16] *Ibid.*, p. 50.

[17] *Ibid.*, p. 51.

[18] *Ibid.*

[19] *Ibid.*, p. 54.

[20] *Ibid.*, pp. 70-72.

[21] *Ibid.*, pp. 61-63.

[22] *Ibid.*, pp. 62-63.

[23] Young, *op. cit.*, p. 61.

[24] Kelly, *op. cit.*, p. 69.

[25] *Ibid.*

[26] *Ibid.*, p. 190.

Chapter 16

EDUCATION, HEALTH AND CITIZENSHIP: THE 1920's AND 1930's

In the period leading up to and including the 1920's and 1930's, the Navajos' experienced many changes. Some of these changes were easily recognized because they were of a physical nature. Others however, were more subtle for they represented changes in individual attitudes and an awareness of the world outside the reservation.

Some changes, brought about by the introduction of labor saving devices and commercially prepared products from the dominant Anglo world, were to be found throughout the reservation. Many of these changes, however, did not affect the lives of some Navajos who continued to live as they always had. Economic conditions tended to remain in a depressed state on the reservation and the problems of overgrazed, insufficient lands, still existed.

The Tribal Council, set up in the late 1920's was making a beginning in trying to determine its own policies, but the major decisions affecting the Navajo Reservation were still being made by Congress and the Bureau of Indian Affairs.

Government programs which provided services to the Navajo people were not all they should have been during this period, but most Navajos, like many other Americans, were unaware of this fact. The Navajos had no experience with which to judge and compare these service, especially in the areas of education and health care. Most Navajos were uneducated by Anglo standards and had little or no knowledge of the ways and means necessary to bring about needed changes.

Unfortunately, the gaining of better services and more decision making power by the Navajos themselves was to be a long and slow process. It would depend to a large degree upon a better knowledge of the world outside the reservation and an awareness that their destiny lay in their own hands rather than those of the United States government. This need for both political and educational awareness would eventually become a reality. In the meantime, the Navajo people were faced with the problems of year to year, and decade to decade change which affected their lives.

Education 1900-1940

In 1887, when the Compulsory Indian Education Law was passed, two major problems existed in providing a good school program on the Navajo Reservation. Most school age children were hesitant about attending the

Students at Black Rock Training School dressed in school uniforms, ca. 1910.

(Courtesy Museum of New Mexico)

schools and their parents were just as hesitant about sending them. At the same time, even if the majority of the Navajos were willing to place their children in an unfamiliar school situation, there were not enough schools available to accomodate them. These conditions had not improved by 1900 when only an estimated one in nine Navajo children were attending school.

During this period, the government continued to follow its earlier policies which stressed the boarding school idea along with the Carlisle Outing System. Most officials within the Bureau of Indian Affairs felt that these school policies were the best way to teach the ideas of citizenship, independence and Anglo culture to its wards.

The Superintendent's Report in 1900 stressed the need for education before citizenship should be given to the Indians,[1] and in 1902, the report mentioned that the idea of day-schools were not workable because of the nomadic way of life of the Navajos. The only solution, the report stressed, was the use of boarding schools, especially industrial boarding schools, where the Indians would be instructed in the ways of civilized life, with right habits and a desire to learn.[2]

The use of day-schools for educating Indian children was mentioned again in the Superintendent's Report in 1903, along with the problems faced by Indian graduates. To end the problems of employment for these young men

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Students at Santa Fe Indian School.

(Courtesy Museum of New Mexico)

and women who completed school, it was recommended that an employment bureau be started by the government to help them find jobs. This, the Superintendent's Report stated, would help end the exaggerated stories that most Indian school graduates "Returned to the Blanket" instead of continuing in the careers for which they had been trained.[3]

The fact that boarding schools were recommended for Navajo children seriously hurt the education programs on the reservation. Boarding schools built on the reservation at Tuba City, Leupp, Tohatchi, Shiprock, Chinle, Crownpoint, Toadlena, and Fort Wingate, took on all the aspects of a penal system.

Agents made the rounds in their area each year and with the help of the Indian police, rounded up children to be sent to these boarding schools. Many students, helped by their parents, hid rather than be forced to go to school. Those who did go were generally older than the average Anglo child entering school and only stayed a short time before running away or dropping out. Very few completed the elementary grades.

The world of the boarding school, with its strict discipline, corporal punishment, military rigidness and new ways, was a long way from the close family unit and traditional ways of the Navajos. Most of these students

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returned later to their families and tried to re-establish themselves as members of Navajo society. Some became so confused they felt they belonged to neither the Navajo nor the Anglo world.

In 1914, Father Anselm Weber at St. Michaels Mission reported that there were not over 400 members of the whole Navajo Tribe, of more than 25,000 who could speak English well. The report also stated that no school facilities were available for at least 5,000 Navajo children. These conditions were to exist until the late 1920's when reports brought the lack of educational opportunities before the American public.[4]

The Bureau of Indian Affairs had done little before the 1920's to provide for the nearly 10,000 Navajo children of school age on the reservation. Part of this neglect came from the fact that many Navajos moved from one area to another between summer and winter grazing ranges and depended upon their children to help with the herding of the family's sheep. Also, very few parents understood the need for an education other than the one traditionally provided for Navajo boys and girls.

This lack of interest in formal education by the Navajos, together with the Bureau policy of using boarding schools as a means of assimilating Indians students into white society, resulted in only a few Navajo children being sent to school. The Treaty of 1868 had included a provision to provide one teacher for every thirty Navajo students, but the problems and opposition faced by the schools on the reservation caused the Bureau of Indian Affairs to take little interest in carrying this provision out.

In 1919, an investigation by Congress showed that only 2,089 of the 9,613 eligible Navajo students were attending school. A later report in 1920 by Superintendent Peter Paquette showed that seventy-five percent of the Navajo students could not be educated because there were not enough schools and no money available to build new ones.[5] The seriousness of these reports soon resulted in a new program to try to educate the Navajos in as short a time as possible. The Secretary of the Interior was instructed by Congress to increase Indian enrollment by whatever rules and regulations he felt necessary.

The Secretary's rules, when completed, called for Indian students to follow the school attendance laws of the state in which they lived and attend public schools if they lived within a public school district. Children who lived outside a school district's boundaries or whose parents refused to send them to school were to be sent to a boarding school. A provision was also included to fine or imprison any parent who refused to follow these rules.

These new rules had been developed by the Bureau of Indian Affairs at about the same time a new presidential administration took office. Thus it was left to the new Commissioner of Indian Affairs, Charles Burke, to put them into effect.

Unfortunately, Congress was trying to cut government spending and informed the Bureau that money would be given them only when the already existing boarding schools were filled to capacity. Any schools not filled were to be closed.

In order to receive the funds necessary to maintain its schools, the Bureau set up a quota system with agency superintendents being made responsible for filling the boarding schools to capacity. The superintendents of the six Navajo Agencies protested against this new system, stating that the Navajos, while not against education, were strongly opposed to sending younger children to boarding schools off the reservation. No changes were made however to exclude the Navajos from the new policies which Burke termed "Emergency Measures". By 1923 the new drive to fill the schools, had resulted in an eleven per cent increase over the number of eligible Navajo students who had attended school in 1919. Reports still showed that despite the sharp increase in the number of Navajo students enrolled in school, at least one-third of all American Indian students not in school, were Navajos.[7]

Congress, by basing its funds for Indian education upon the number of schools filled to capacity, succeeded only in giving most Indian students a miserable experience rather than a good education. The Bureau of Indian Affairs, in order to get necessary funds to operate the schools, sent Indian students to many schools which were outdated, rundown and too small to handle the number of students placed in them.

School Conditions

Students who attended the early boarding schools were generally treated in a military manner, with strict discipline and severe punishments for breaking school rules. They were forced to wear uniforms, which were bought in large lots and did not always fit. In some instances they were crowded into dormitories equipped to hold only half their number. These dormitories were run by non-professional staff members and the dormitories were bare and unattractive. The school kitchens were generally poorly equipped and the students were required to sit at long, bare, wooden tables, using tin or aluminum tableware. Many students suffered because of poor health care, lack of privacy and harsh treatment. Most Navajo school children were over-age for the grades in which they were placed and many Navajo parents kept their children at home or rotated them, sending some to school one year and others the next. Few of these Navajo children ever completed the eighth grade. Many students ran away and returned to their homes where they felt safe and secure.

Many of the boarding schools were operated on an academic-vocation schedule, with the students attending classes for one-half day and working one-half day at some form of instructional labor at the school farm, dairy or laundry. As the schools, to some degree, supported themselves, the students were assigned jobs which would normally have been performed by paid laborers. They produced goods which helped the schools operate within the strict budgets set by Congress.

Although the number of Indian students increased during this period, the amount of money allowed by Congress for each student did not. In 1921 the amount of money per student was raised from $167 to $200, and in 1924 the amount was increased to $225. However, the House Appropriation Sub-Committee chairman refused to allow more than the 1921 amount of $200, even though the average amount alloted per white pupil in school at that time was $500.[8]

Protests by the Bureau of Indian Affairs brought no increase in the amount of money set aside by Congress for Indian education. School programs continued to suffer from a lack of necessary funds.

The Navajos, along with other Indian tribes, were to be the victims of both the Bureau of Indian Affairs and Congress. To fulfill their quota of students many agents used whatever means they could, including almost kidnapping the students to be sent to the boarding schools. These methods caused many Navajos, who saw no need for education, to even more strongly oppose the boarding school idea.

In 1924 Commissioner Burke recommended that schools on the Navajo Reservation be held in two six month sessions. This would allow students who moved from one area to another, following the grazing seasons, to attend at least one school session each year. This plan was not approved and the "Emergency Measures" of sending Navajo children above the third grade to off-reservation boarding schools continued.[9]

By 1925 the Navajos were openly condemning the taking of students to off-reservation boarding schools, especially younger children. In July 1925, the Tribal Council passed a resolution stating that the tribe disapproved the taking of students below the seventh grade to the boarding schools for any reason. This resolution however, had no effect upon the Bureau's policy and the practice continued, causing many Navajos to become openly hostile against the boarding school program.[10] Increasing numbers of Navajos were beginning to feel that if school was necessary and could not be avoided, then primary and vocational programs should be carried out on the reservation.

The Meriam Report

In 1928, the American public became painfully aware of the serious situation faced by the Indians as a result of reservation conditions and government programs. This awareness came as a result of a widespread, detailed report entitled *The Problem of Indian Administration*, but more commonly called the Meriam Report, after Lewis Meriam, who headed the research team that conducted the survey.

The survey had been requested by the Secretary of the Interior, Hubert Work, who asked the Brookings Institute in Washington D.C. to survey the economic and social conditions of the American Indian and submit their findings and recommendations to the Department of the Interior.[11]

The nine member survey team, specialists in the fields of education, health, law, administration and Indian history, carried out an on-the-spot survey and produced the report which was critical of Bureau of Indian Affairs policies.

The survey covered all aspects of Indian life, especially education, and stressed that the Indian Bureau should give education its foremost attention. Indian education, the report stated, should be designed for all age levels and should be closely tied to community life. Recommendations were made that day-schools be constructed on the reservation which would allow students to live at home while attending school. These same schools could then serve as community centers and would act as a cultural bridge between the schools and the community. The school's curriculum should also be changed to include Indian culture and local community conditions.[12]

The report struck out strongly against the physical conditions found in the boarding schools, especially those enrolling young children. The inadequacy of boarding school personnel was also stressed and the report recommended higher salaries along with higher standards for school personnel.[13]

Following the Meriam Report, the Commissioner of Indian Affairs, Charles H. Burke, resigned and was replaced by Charles J. Rhoads. The Bureau's new school policies put into effect by Rhoads were based upon the recommendations included in the Meriam Report.

The Rhoads administration began a program to repair or replace old school buildings and change the former system with more relaxed discipline, doing away with the military system and the use of student uniforms. The program also began reducing the number of small children in boarding schools and began an attempt to replace reservation and non-reservation boarding schools with public or day-schools.

The Rhoads administration also managed to get the idea of day-schools accepted in Washington as a program better suited to the needs of the Indians than the boarding schools. In 1930 the Tribal Council voted to accept the day-school program along with small boarding schools on the reservation.[14]

The effects of the Meriam Report also carried over into Congress and in 1931, appropriations for Indian education totaled more than all appropriations for Indian education for the previous ten years. Even with this increased money available, the long years of neglect were impossible to overcome and in 1934 there were still about 5,000 Navajo children not in school because no facilities were available for them.

Before 1930 there had only been nine day-schools on the Navajo Reservation with only a few children attending on a regular basis. But,

Building at Shiprock Boarding School, ca. 1920-1930. Believed to have been used as school kitchen, mess hall and employees quarters.

(Courtesy Museum of New Mexico)

following the start of the Collier administration in 1933, the day-school program began to grow rapidly. By 1935, 47 sites had been chosen for new day-schools to be built. These schools were to cover the first four grades, with more advanced students still attending boarding schools. Few students attended school beyond the sixth grade and those who did went to such boarding schools as Fort Wingate, Shiprock and Tuba City, which by 1940 were offering some high school classes.

Progressive Education

During the 1930's, the Collier administration were followers of progressive education and wanted to build day-schools which would also serve as community centers, sub-agencies and medical clinics. Progressive is often used to mean change, and to end the stereotype of what school buildings should look like, Commissioner Collier had four hogan shaped schools built at Mariano Lake, Cove, Navajo Mountain and Shonto.[15] These schools,

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Back view of Shiprock Boarding School, ca. 1920-1930. Buildings identified from lett to right as; small generating plant, two utility buildings, three story girls dormitory, kitcher and mess hall, boys dormitory, dairy barn.

(Courtesy Museum of New Mexico)

however, never proved popular with the Navajos who continued to think of schools as those built in the traditional white style.

Collier, aided by W. Carson Ryan, Director of Indian Education, also established a new philosophy of education, which revolved around a new type of school curriculum for the Navajos. The new curriculum was to include those areas which affected the Navajos directly such as health, conservation and civic participation. The program was also aimed at the older members of the tribe. What the students learned at school, they would then pass on to the older, uneducated members of their families.

The ideas proposed by Ryan and his successor, Willard Beatty, focused on teaching the Navajo students in those areas in which they were familiar. To accomplish this, a bicultural, bilingual approach to education was suggested.

Earlier school policies had stressed only a one-culture approach, designed to teach Indian students the white man's language and culture. The new goal was now to teach students about their own way of life, using their own language. Once this was accomplished, it would be easier to teach the students about other cultures. Using this theory, the use of Navajo as a written

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language became a part of some school studies. This was made possible following the development of a simplified Navajo alphabet by Oliver La Farge and John P. Harrington with the aid of Robert Young and William Morgan.

The theory that Navajo students would learn English faster if they first learned to read their own native language soon led to the development of primers written in both English and Navajo. These books, made up of stories about reservation life were also illustrated by Navajo artists in an effort to teach the students by showing them familiar subjects.

This new program, which stressed the use of the Navajo language met with opposition from Jacob Morgan and others who felt that the key to success by the Navajos depended upon their learning to use the English language. Bilingual education they maintained, was only another way of keeping the Navajos from taking their place in the modern world.

This new emphasis on education also brought more Navajo workers into the school programs. The day-schools employed about one hundred young Navajo men and women as assistants, with the women working in the kitchens as cooks, dishwashers or janitors. These women also helped the women of the community to learn new things. Male assistants worked to help maintain the school plant, keep it clean, drove and serviced school buses and acted as interpreters between the school staff and the community. Until 1933, most of the Navajos employed by the schools were custodial workers, but after that time more and more young Navajos received training which placed them into teaching positions on the reservation.[16]

The community day-schools also experimented with the hiring of fifty young Navajos in 1934. These employees were to be trained to work in the school program, holding classes which stressed health, tribal culture, community relations and land use. This experiment failed because of criticism from those who felt the young Navajos were not qualified to teach. Also, many older Navajos considered the trainees to be too young and inexperienced to do an adequate job.

By 1935, the new school programs were meeting opposition from several sources. The establishment of the day-schools had occurred at the same time as the livestock reductions and soil conservation programs. As a result, the schools were sometimes targets for the resentments the Navajos felt toward these and other government programs and policies. These resentments were often expressed by withdrawing children from school for a long period of time.

During this period, many boarding schools were closed and replaced with day-schools. This brought opposition from local whites who made their living from working or supplying goods to the boarding schools. Also, some Navajos resented the day-schools for not providing food, clothing and shelter to their children. Jacob Morgan and his followers also opposed the closing of the boarding schools and felt that they were necessary if the Navajos were ever to become assimilated into the dominant Anglo society. The pressure from the opposition groups eventually led to a slowing down of the day-school building program.

The attempts, both good and bad, to bring educational opportunities to the Navajo people were proving to be a slow and controversial process. The American public had been made aware of the situation on the Navajo Reservation as a result of the Meriam Report. Unfortunately, once a problem is uncovered, unless constant attention is re-drawn to it, concern soon turns to indifference. As the years passed this appeared to be the case with Navajo education and it was not until the post World War II period that universal education for all Navajo children became a reality.

Health Care on the Reservation

The Meriam Report survey in the area of health care for the Navajos also showed that this field had been as neglected as that of education. Before the 1930's, money from Congress for Indian health care was limited and the Bureau of Indian Affairs generally left the planning of health programs in the hands of men who were not trained in the medical needs or problems of the Indian people. This resulted in the development of a policy for health care which was aimed at the curing of already existing illnesses rather than a program of education and training in the prevention of these diseases.

Hospitals for the care of the sick were built in 1908 (replaced in 1915) at Shiprock and 1914 at Crownpoint, with a tuberculosis sanitorium established at Fort Defiance in 1912.[17] These hospitals were widely spaced across the reservation and made it hard for many Navajos to take advantage of them. Most people either remained unaware of the purpose of these places or were unwilling to go there for treatment. Some people could not travel the long distances to these hospitals while others preferred to use the services of the traditional medicine man to cure their illnesses.

Surveys made in 1912 by the Public Health Service showed that the most common diseases to be found on the reservation were trachoma, tuberculosis, measles, whooping cough, chickenpox and mumps, along with many different types of skin diseases. Most of these diseases were easily passed from one person to another, and because of the design of the traditional hogan, with its one room in which all the family lived, if one person became sick, the other family members usually caught the disease. Traditional ceremonies held to cure the sick person oftentimes brought outsiders into contact with the disease and in many cases helped the illness to be spread across the reservation.

The Navajos were severly hit by the influenza epidemic which swept across the United States in 1918 and 1919. Almost every family lost one or more members with whole families dying in the hogans with no one left to bury them. Franc Newcomb, wife of a trading post owner south of Shiprock reported that "after the epidemic had reached its peak, the agent at Shiprock sent out teams of men to bury the corpses and burn the death hogans . . .".[18]

While drugs and vaccines were available for many diseases found on the reservation before 1930, many Navajos were either unable or unwilling to take advantage of them. Those Navajos who were both willing and able to get to Bureau hospitals were often faced with poor equipment, outdated buildings and a poorly trained medical staff.

World War I had created a great demand for doctors which caused about two-thirds of the Bureau's doctors to leave during the war years. After the war, the low salaries, poor working and housing conditions made it hard for the Bureau to get well qualified doctors. Most preferred to enter private practices which offered more advantages. Many doctors who accepted work with the Bureau during the 1920's proved to be poorly trained in the latest medical techniques. Some continued to use old methods of treatment which were both painful and un-necessary, simply because they were either unaware of newer techniques or untrained in using them.

Following Charles Burke's appointment as Commissioner of Indian Affairs in 1921, the Bureau requested the Red Cross to make a survey of the health conditions among the Indians. This survey showed that general health conditions among the Navajos were serious and were causing an excessive death rate. While the report, with its recommendation that a nursing program be started on the reservation, was never published, it did cause the Bureau to start a new health program for the Navajos.[19]

This program was aimed toward the goal of ending trachoma on the reservation which the Bureau felt was the most pressing health problem facing the Navajos. The new project, called the Southwest Trachoma Campaign, received $100,000 from Congress to carry out its work with the Indians of the Southwest, which was to start with the Navajo Tribe.[20]

Trachoma, an eye disease which attacks the linings of the eyelids, had usually been treated by a centuries old method of removing the small disease caused cysts and follicles from underneath the eyelids. These cyst free areas were then rubbed with a copper-sulfate pencil. This treatment however, had to be carried out over a long period of time and many Navajos stopped getting medical care before the disease was completely cured.

A new theory of treating trachoma victims was formed during the 1920's. This theory argued that since most of the cysts or follicles caused by the disease were located on the tarsal plate, under the eyelids, this tarsal plate, a cartilage which helped hold the eye in shape, should be removed. This, the theory contended, would quickly cure the trachoma.[21]

Despite the fact that the method was both a delicate and unproven operation, the Bureau adopted this procedure to be used in its trachoma campaign. Thousands of these operations were performed on Navajos during the campaign, including many patients who didn't need the operation. This type of treatment was ended only when the Meriam Report condemned its usage. The Trachoma Campaign failed to produce the desired effects and did much harm to many Navajos who had the operations.[22]

Following the end of the Trachoma Campaign, the Bureau began a new program which placed school children who had trachoma together in boarding schools where they were treated by the old copper-sulfate pencil method. This program was met with hostility by many parents, especially in the Fort Defiance area, because the Bureau failed to get parental permission before moving some of the children to the trachoma school. After 1938, the control of trachoma became a reality, with the development of sulfa drugs which could be taken orally, bringing the disease under control in a very short time.

Following the recommendations of the Meriam Report calling for better health care for the American Indians, the Rhoads Administration as well as the later Collier Administration began new health care programs for the Navajos. Aided by increased amounts of money from Congress, the Bureau began trying to overcome the long years of neglect and poor planning in providing adequate health care on the reservation.

During the early years of the 1930's this neglect was evident by the fact that of the nine hospitals located on the reservation, only three had x-ray equipment before 1935.[23] This lack of medical equipment and disease prevention education programs caused the Navajos many hardships. The Navajos, because of poor nutrition and unsanitary conditions, had little resistence to the epidemics of influenza, measles, typhoid, smallpox and diphtheria which swept across the reservation during the 1930's.

While John Collier held the position as Commissioner of Indian Affairs, the poorly equipped and staffed hospitals were greatly improved. After developing a new policy of health care which called for both the treatment and prevention of disease, Collier began an education program to teach nutrition, hygiene, baby care and proper housing on the reservation.

In 1934, Sally Jean Lucas was hired to start a nurses training program to prepare Navajo women to help direct the adult population toward better health care and Dr. W. W. Peter was placed in charge of health services on the reservation. Under Dr. Peter's direction, hosptials were built or remodeled, better qualified medical staffs were hired and dental services improved.[24]

One of the problems faced by the Bureau during this time was getting the Navajo people to come in for treatment. Too few understood that germs were the cause of diseases and the failure to isolate, or treat the sick properly, resulted in the spread of the disease to others. Many Navajos were reluctant to enter hospitals where they were treated by strangers, fed strange foods, and left without companionship for long periods of time. Many, unable to adjust to these conditions, simply left the hospitals before their treatment was completed.

Faced with this longstanding problem of cultural conflicts between modern medicine and traditional Navajo ways of life, the Bureau started a new policy in 1938 which would help overcome the traditional Navajos' fear of hospitals and new medical practices. This new policy called for the use of many traditional Navajo beliefs and religious ceremonies which, while they would not interfere with medical practices at the hospital, would help set many Navajos' minds at ease about these facilities.

This combining of the Navajos traditional and cultural heritage with modern medicine began in 1938 when Pete Price, a well known medicine man, performed a blessing ceremony over the new base hospital at Fort Defiance, Arizona. This began what has since become an acceptable and somewhat general procedure on the reservation.[25]

In 1936, Collier put a reduced form of Sally Jean Lucas' adult health education program into effect with the building of several health dispensaries on the reservation. Each was headed by a field nurse who helped treat minor illnesses and taught adult Navajos about better health care and sanitation through home visits. This program was dropped in 1938 and replaced by a team of two doctors and six nurses who worked primarily with trachoma patients. This medical team was forced to spend most of its time at the boarding schools because of the heavy case loads found there. This left little time in which to treat other patients, including day-school students. The health of day-school children was generally left in the hands of teachers and their assistants, who treated these students as best as they could.[26]

Tuberculosis, long a killer among the American Indians, did not spare the Navajos. It was in fact, one of the major diseases confronting the tribe. Before 1938, the shortage of x-ray equipment and the Navajos' unwillingness to either seek help or remain for long term treatment, made the fight against this deadly disease generally ineffective.

Sanatoriums for the treatment of tuberculosis were available both on and off the reservation. Many Navajos however, felt they were unnecessary because of the nature of the disease, which was not painful until its latter stages, when effective treatment was too late. Unsanitary conditions and the Navajos' lack of knowledge about the causes of the disease made the reservation area a major breeding ground for tuberculosis. A person who had active tuberculosis might cough or spit, thereby freeing live tuberculosis germs to attack a new victim.[27] The only answer for bringing tuberculosis under control lay in detecting the disease by x-ray and treating the patient until he was cured.

In theory, it was necessary to x-ray the entire tribe. In practice, this was impossible. Such a program would cost too much in x-ray equipment and general services because of the large Navajo population. The Bureau therefore limited its program to x-raying all patients who came for medical treatment and hosptializing those who had active tuberculosis.

In general, health care on the Navajo Reservation improved during the 1930's. However, problems such as shortages of trained personnel, equipment and adequate medical facilities still continued to exist. Later efforts by both the Navajo Tribe and the federal government would help solve many of these problems and continually raise reservation health standards.

Citizenship

In addition to those problems existing in health and education programs on the reservation, the Navajo people were also faced with other issues during this period. One of these issues included the question of citizenship and its resulting privilege, the right to vote.

Members of the Navajo Tribe finally gained the status of citizens of the United states in June 1924, when the Indian Citizenship Act was passed. Since 1868, when the Navajos entered into a treaty with the United States government, they had been considered wards of the federal government but not citizens. Citizenship as well as the right to vote came to the Navajos, as it did to many other Indian tribes, only after a long history of court cases, legal interpretations and Congressional acts.

When the Constitution, which founded the federal government, was adopted in 1789, the status of the Indians was interpreted to be that of occupant, but non-citizens of the new nation. The Constitution, in Article 1, Section 2, excluded Indians not taxed from representation in the House of Representatives. This exclusion reflected the status of Indian tribes during this period. The popular theory of the time held that Indians were not part of the voting community which owed allegiance to the federal government, but were separate political units with their own tribal laws and governments. Also, as most Indians owned no property according to white law, they paid no taxes. In an age which stressed the theory of "no tax, no vote" these Indians remained classified as non-citizens of the United States.

In these early years, some eastern tribes entered into treaties with the federal government which granted citizenship to the tribe and a few were granted citizenship by special statutes passed by Congress. The majority however, tended to migrate before the westward movement of American settlers and maintained their own traditional governments. Most western tribes remained free from the influence of the federal government until both time and the westward movement caught up with them.

By 1868, when the 14th Amendment which defined citizenship was adopted, most Indian tribes had already entered into treaties with the federal government and the idea of Indians as wards of the Federal government had become an established fact. The 14th Amendment, however, still excluded Indians not taxed, from citizenship and voting priviledges.

Indians who wished to become citizens during this period had to prove their ability to handle their own affairs, accept Anglo ways and become tax payers. They also had to cut all ties with their tribe and tribal government. This cutting of tribal ties was felt to be important because it carried out the ideas of acculuturation and assimilation which would separate the Indians from their culture and force them into the white world.

The Dawes Severalty Act of 1887, contained provisions for granting citizenship to Indians who took out allotments from public domain lands. These Indians however had to prove their competency by keeping their allotments for twenty-five years before citizenship was actually granted. Later, in 1888, citizenship was given to any Indian woman who was married to a white citizen.

The Burke Act, passed by Congress in 1906, changed the strict citizenship rules of the earlier Dawes Act. The Burke Act reduced the twenty-five year waiting period for an allotment to be proven. The Indians were still required, however, to prove their competency in handling their own affairs.

Following World War I, all Indian veterans who had served in the armed forces and had received honorable discharges were granted their citizenship.

In 1924, Congress passed the Citizenship Act. This "blanket act" gave citizenship rights to all Indians who had not been given their citizenship by some other method.

This granting of citizenship to all Indians did not automatically give them the right to vote. Each state had the right to set its own voting requirements as long as they did not go against those stated in the 14th, 15th and 19th Amendments to the Constitution. The 14th Amendments had set the voting age of male citizens at twenty-one years of age. The 15th Amendment had stated that no person could be denied the right to vote because of race or color and the 19th Amendment, passed in 1920, had given women the right to vote.

Many states continued to keep Indians from voting by setting up certain requirements such as paying taxes or passing literacy tests. These requirements, which were later ruled unconstitutional by the federal courts, kept most Navajos and other Indians from voting in state and federal elections.

Navajos living in New Mexico were denied the right to vote because they paid no taxes. The state's denial of sufferage to the Navajos was based on Section 2 of the 14th Amendment which excluded representation in the federal government for Indians not taxed.

The state of Arizona refused to let the Navajos vote because they were "wards of the federal government". The question of the Navajos meeting the state's residency requirements had long been argued by Indian rights groups and interested individuals. The states maintained that the Navajos, as wards of the federal government, living on trust lands where the states had no jurisdiction, did not meet the states' residence requirements.

Test cases to determine if the Navajos were illegally being denied the right to vote were brought in both New Mexico and Arizona in 1928. These cases failed to solve the problem and the question of Navajo voting rights continued until 1947, when court cases were again brought in New Mexico and Arizona. As a result of these court cases, New Mexico and Arizona accepted the right of Navajos to vote, but only if they passed literacy tests. These literacy requirements continued to keep many Navajos, who could neither read nor write English, from voting.

Decisions reached in recent court cases have done away with the use of literacy tests and have answered the question of residency in a state as it applies to Indian reservations. These court decisions, plus the fact that the Navajo people are better educated in voter registration and election procedures, have brought full voting rights to all registered Navajo citizens over 18 years of age.

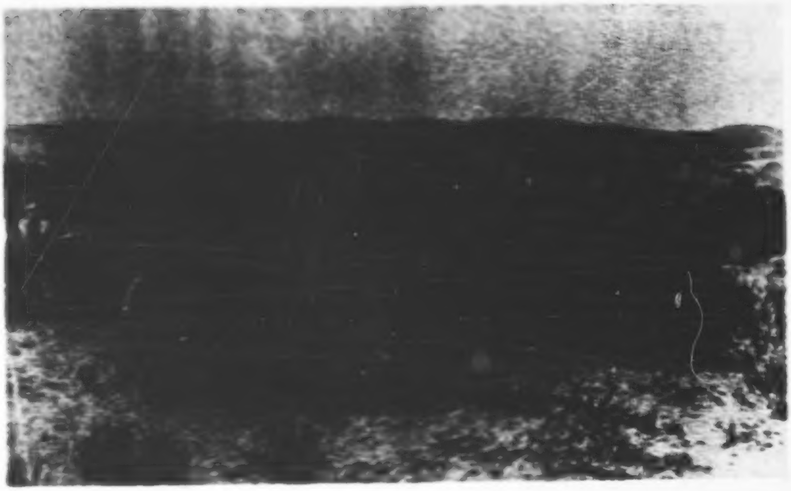
Roads and Transportation on the Reservation

The large and isolated area of Navajoland had for decades remained a mysterious place to the non-Indian peoples who lived around it. In the early days before the People's return from Fort Sumner, only the army, a few traders, explorers and slave traders had ventured into the area.

Between 1868 and the early 1900's, the reservation area still remained an unvisited place. This was partly due to the Bureau of Indian Affairs attempts to protect the Navajo people from unhealthy outside influences and unacceptable non-Indians who might try to take advantage of them. Also, travel on the reservation was a risky business. Only a few wagon trails existed during this period of time and in periods of bad weather they were almost impassable.

Later, while the rest of the nation was experimenting the with new "horseless carriage" and building roads to accomodate this new and marvelous invention, the Navajo Reservation remained almost untouched. As the automobile grew in popularity and gained acceptance as a means of travel, a few automobiles, owned by either Navajos, government officials or adventuresome tourists began to make their appearance on the reservation. But, even as late as the 1920's and 30's, almost all travel by the Navajos on the reservation was done by foot, horseback or wagon, although more and more Navajos were beginning to buy automobiles.

The initial cost, fuel and constant repairs of early automobiles placed the ownership of these marvels of transportation far beyond the reach of most Navajos in the early years. According to one story, one of the first Navajos to get a car was "Lame Man", a wealthy man living about seventy miles west of Shiprock, New Mexico. In the early years, "Lame Man" bought a Ford automobile in Farmington, New Mexico and following the brief driving instruction given by the salesman, began the one hundred mile drive home, never changing the car out of low gear. Shortly after the long, slow drive home he found that the car wouldn't start. Angered, he sought the help of Mr. Herbert Redshaw in Shiprock, who was familiar with operating a Ford



A Navajo camp.

(Photograph by Ben Wittick, Courtesy Museum of New Mexico)

automobile. Redshaw soon discovered that the car was out of gasoline. When told of this, the old man said he had seen fuel put in the car in Farmington and then expressed what many present-day car owners feel, when he added, "'Do you mean to tell me that I must keep putting that stuff in there?'"[28]

The coming the the automobile to Navajoland met with a serious obstacle, the poor conditions of the roads. Most of the reservation roads were dirt, or mere wagon trails, deeply rutted and almost guaranteed to jolt the passengers, leaving them bruised, and in wet weather, hopelessly bogged down. While the reservation was now becoming conscious of the outside world, it was still a difficult place to visit.

By 1940, the Navajo Agency maintained nearly 2,600 miles of primary and secondary roads on the reservation and about 700 miles of truck trails. Only about 150 miles of these, however, were kept open during periods of bad weather.[29] Winds and rains took their toll on these roads, and it was difficult to find the money to repair them or build new ones.

On May 18, 1939, the Tribal Council passed a resolution granting the New Mexico Highway Department permission to pave what is now part of Highway 550 from Shiprock to the edge of the Navajo Reservation. Thus began a series of road constructions that have continued to the present time, criss-crossing the reservation with paved roads which help accomodate the cars and pickups which have become the commonplace means of transportation on the reservation.

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Footnotes

[1] Superintendent of Indian Schools, *Annual Report of the Superintendent of Indian Schools, 1900-1904* (Washington: Government Printing Office, 1905), pp. 13-21.

[2] *Ibid.*, 1902, p. 18.

[3] *Ibid.*, 1903, pp. 13-14.

[4] Robert Young, *The Role of the Navajo in the Southwestern Drama* (Gallup: The Gallup Independent, 1968), p. 58.

[5] Lawrence Kelly, *The Navajo Indians and Federal Policy, 1900-1935* (Tucson: University of Arizona Press, 1968), pp. 172-173.

[6] *Ibid.*

[7] *Ibid.*, p. 174.

[8] *Ibid.*, p. 176.

[9] *Ibid.*, pp. 174-175.

[10] *Ibid.*, pp. 177-178.

[11] *Ibid.*, p. 139.

[12] Margaret Szasz, *Education and the American Indian* (Albuquerque: University of New Mexico Press, 1974),p. 3.

[13] *Ibid.*

[14] Kelly, *op. cit.*, p. 180.

[15] Hildegard Thompson, *The Navajos' Long Walk for Education* (Chinle, Arizona: Navajo Community College Press, 1975), pp. 53-54.

[16] *Ibid.*, pp. 60-61.

[17] Young, *op. cit.*, p. 59.

[18] Franc Newcomb, *Hosteen Klah, Navajo Medicine Man and Sand Painter* (Norman: University of Oklahoma Press, 1964), p. 146.

[19] Kelly, *op. cit.*, pp. 183-184.

[20] *Ibid.*, p. 184-185.

[21] *Ibid.*, p. 185.

[22] *Ibid.*, pp. 185-186.

[23] Donald L. Parman, *The Navajos and the New Deal* (New Haven: Yale University Press, 1976), p. 219.

[24] *Ibid.*, p. 222.

[25] *Ibid.*, p. 225.

[26] *Ibid.*, p. 226.

[27] *Ibid.*, p. 229.

[28] Albert H. Kneals, *Indian Agent* (Caldwell, Idaho: Caxton Printers Ltd., 1950), pp. 368-369.

[29] Clyde Kluckhohn and Dorothea Leighton, *The Navajo* (Cambridge: Harvard University Press, 1946), p. 46.

Chapter 17

NAVAJOLAND AND THE NEW DEAL

The collapse of the American economy, which had been touched off by the October 29, 1929 stock market failure on Wall Street, slowly worked its way into the lives of almost all Americans, including the Navajos. Even those Navajos living within the most isolated reservation areas were feeling the sharp sting of the Great Depression of the 1930's. In fact, by 1933, Superintendent John Hunter, in a report from the Navajo Agency reported that:

> Depression for the last three years throughout the country has perhaps hit the Navajo people more severly than it has the average white person. The Navajo is almost entirely dependent upon his income from the livestock industry, principally the sale of wool and lambs. This income has been greatly reduced. In fact, it is almost reduced to the vanishing point since there has been practically no market for lambs and wool. During the past winter the Navajo was forced to feed his corn, which he ordinarily sold to the trader, to his sheep. This again reduced his income.[1]

The severe economic conditions caused by the depression only added to the already serious problems faced by the Navajos in the overgrazing of the reservation lands which destroyed the natural grasses and vegetation, allowing the winds and rains to erode the land.

The problem of soil erosion had been developing for almost sixty years, ever since the almost 9,000 Navajos returned from the Bosque Redondo Reservation in 1868. By 1930, the tribal population had grown to 40,858 and the 30,000 sheep and 4,000 goats the tribe had received from Fort Wingate and Fort Defiance after their return from Fort Sumner had multiplied to almost 1,300,000 along with an estimated 27,000 head of cattle and 80,000 horses. The great increase, in popluation and livestock, had caused at least 2,360,000 acres of the 14,360,000 acre reservation to become so overgrazed and barren that they had become useless for grazing purposes.[2]

This overgrazing problem had been recognized as early as 1883 when Agent D. M. Riordan reported that the Navajos had too many sheep and useless horses for the amount of grazing lands available. Riordan had urged the development of water sources which would allow the Navajos to use reservation lands located far from the water holes for grazing purposes.

Riordan's comments on the evidence of severe soil erosion on these overgrazed lands were repeated by Agent Edwin Plummer in the 1890's. Plummer also reported that the Navajos' economic dependence upon livestock was causing overgrazed range conditions and soil erosion problems.

These early reports of the seriousness of the overgrazed reservation lands and its effects upon soil erosion brought little aid from the Interior Department other than some minor attempts at developing new water sources.

Traditional Livestock Values

The basic economy of the Navajos had for almost three hundred years relied upon the ownership of livestock, especially sheep, which provided a basic source of food as well as wool which was used for clothing. These animals introduced into the New World by the Spanish colonist had through the years become an important part of the social, economic and religious life of the Navajos.

The ownership of sheep was the basis of wealth and social position among the People and the tribes' possession of the animals was so old that their origin had faded with time. Young in *The Navajo in the Southwestern Drama* states that sheep and other animals upon which they depend are accounted for in the Navajo Creation Myth, and relates one such account:

> In the east, chamis was placed for the sheep and they were freed to go to it. Mormon tea was placed for them in the south and they were freed to go to it. In the west grey mountain mahogany was placed for them and they were freed to go to it, and in the north black mountain mahogany was placed for them. Thus it was that the sheep were set free to go in the four directions. They ate and then they shook themselves, whereupon black clouds came together in a mass over head and on the same day hail fell. And on the same day the plants that had been placed with their mates on the world began to multiply and grow. With our sheep we were created. . . .[3]

Horses were also introduced by the Spanish, and played an important part in the lives of the People. They provided transportation as well as a measure of social prestiege. Little thought was given by the Navajos of this period to the management of range resources. They continued to use the land as they had always done, grazing their vast flocks of sheep and other livestock while the vegetation on the overgrazed lands slowly disappeared.

It was this background of traditional beliefs and habits that finally forced the Bureau to bring the Navajos face to face with the crisis at hand. In 1927, Indian Affairs Commissioner Charles H. Burke wrote that because of the increasing amount of livestock on the reservation it might become necessary to limit the size of Navajo herds. This could be done by using grazing regulations along the lines of those being used on other Indian reservations.[4]

By the 1920's and 1930's, overgrazed rangelands had helped create serious soil erosion problems on the Navajo Reservation.

The Introduction of Grazing Fees

In 1928, the Tribal Council met at Leupp, Arizona. Here, the problem of overgrazing was introduced by the Assistant Commissioner of Indian Affairs, Edgar B. Merritt. Merritt, who presided over the meeting, praised the Navajos for the progress they had made and dwelled at length on the accomplishments of the Department of Indian Affairs in regards to the Navajo Indians.

Merritt stressed the recent efforts of the Navajos in cooperating with the Bureau of Indian Affairs projects, especially the reduction of worthless horses on the range. He then introduced seventeen topics which he wished the Council to take into consideration and discuss. The topics included overgrazing, livestock reduction, health, education and liquor problems on the reservation.[5]

It was not until the second day of the meeting that the most controversial topic presented by Merritt brought heated discussions. This topic involved "The question of eventually limiting the number of sheep, horses, goats, and cattle for any one Indian, so that benefits of the range may be more equitably distributed among all Navajos".[6]

Merritt and District Superintendent Chester E. Faris presented the

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government's position, stating that the reservation lands were seriously overgrazed and that the distribution of sheep was unequal because some rich men had large herds which numbered into the thousands while other Navajos had only small herds or no sheep at all.

To correct this problem and to equalize the distribution of sheep as well as reduce the number of sheep on the reservation, it proposed that a tax of fifteen cents per head be levied against all stock in excess of 1,000.[7] This tax was to be imposed each year.

The council, after lengthy discussion and some heated arguments, was finally pressured by Merritt into voting on the matter. In a seven to five vote, the Council adopted the resolution, but changed the excess grazing fee from fifteen cents per head to eleven cents per head.[8]

Neither the intended reduction of sheep nor the collection of fees for excess livestock proved effective. The program was doomed from the beginning because, as many Navajos had insisted in their earlier discussions, no one person owned over 1,000 head of sheep. The flocks belonged to the family and it was easy to disguise ownership among a large extended family.

The government's case for stock reduction had been poorly presented, leaving the Navajos with the feeling that the problem of stock reduction was both unworkable as well as unreasonable. The plan presented, had two major flaws. Large stock owners, or "ricos", could afford to pay the tax and would not have to reduce their herds. Also, there was no way to enforce the excess grazing tax because of the lack of Tribal Council power and the huge size of the reservation.

Thus ended the first attempt by the Bureau of Indian Affairs to solve a problem, which because of earlier disinterest, had now grown too large to be easily corrected. The seriousness of the situation and the need for planned action to correct the problem was finally brought to the attention of the Department of the Interior with the startling facts presented in the Zeh Report on December 23, 1930.

The Zeh Report

William H. Zeh, an Indian Service forester, had made a complete survey of range conditions on the reservation and reported that the lands were so seriously overgrazed and eroded that the amount of acreage needed for one sheep to graze had risen from nine or ten acres per head to almost twenty to thirty acres per head if the land was to be brought back to its earlier grazing capacity. Zeh's report also indicated that the distribution of animals on the range was not balanced and that there were too many useless animals being grazed on a limited amount of already overgrazed land. In short, the Navajos owned twice as much livestock as the range would carry.[9]

The report also included a proposal to help end the overgrazing problem. This proposal outlined the need for more land by the Navajos. However, while this would help reduce the present problem of overgrazing, it would not end it. This could only be done, Zeh stated, by a program to reduce the number of surplus, unproductive animals, develop more water sources, and educate the Navajo people in the need for livestock management. This would emphasize the need for the sale of surplus horses, goats, and older sheep and upgrade the bloodlines of the remaining sheep following any herd reductions. Unfortunately, these changes recommended by Zeh would be hard to get, because of the traditional religious and social customs of the Navajos.[10]

In April 1930, the Secretary of the Interior and the Commissioner of Indian Affairs had directed that supervision of grazing activities in the Indian Service be assigned to the forestry branch. This branch of the service was directed in July 1930 to make an extensive survey, of the grazing resources on Indian Reservations. This survey, following shortly after the one completed by William Zeh, was conducted by Lee Muck, P. E. Melis and G. M. Nyce, and reinforced the earlier reports as to the problems existing on the Navajo Reservation.

The report submitted on July 15, 1931, clearly showed that all the six agency jurisdictions were being over grazed, especially the Southern and Northern Navajo areas.[11]

Clearly the problem was one of too many animals on too little land. The solution to this problem was obvious, either get more land or reduce the amount of livestock on the reservation. Nature seemed to take a hand when the winter of 1932-33 proved to be very harsh for the Navajos, especially the months of November and December. As a result of the winter storms and blizzards, over 150,000 sheep froze or starved to death on the reservation.

The relief efforts, headed by John Collier, prior to his appointment as Commissioner of Indian Affairs, later proved to be an embarrassment to the government as well as a puzzle to the Navajos. Collier, not knowing of the overgrazed rangeland of the Navajos, campaigned in Washington for relief funds for the Navajos and Congress appropriated $410,000 for this purpose with $150,000 going to replace those animals which had died because of the winter conditions.[12]

This replacing of animals on an already overstocked range was to prove to be only one of many government actions which the Navajos failed to understand. The Navajos had received animals as replacement for those that had died only to be faced with reducing their herds a short time later.

Roosevelt and The New Deal

The need for economic action on a sectional basis such as the Navajo Reservation was also reflected on the national level, and in 1932, the

NAVAJO RESERVATION GRAZING SITUATION 1930

Reservation Area	Number of sheep	Number of goats	Total Number of sheep and goats	Percent of goats	Estimated horses	Estimated cattle
Leupp	45,390	12,444	57,834	21.5		
Southern Navajo	347,741	137,698	485,389	28.3	10,000	6,500
Northern Navajo	193,121	79,403	272,524	29.1	1,000	6,000
Eastern Navajo	138,469	64,431	202,000	31.7	6,401	2,075
Western Navajo	108,464	46,760	155,221	30.1	7,000	3,500
Hopi	90,926	32,795	123,721	26.5	10,354	8,000
Total	924,108	373,531	1,297,589	28.7	34,755	26,075

1. The Bureau of Animal Husbandry estimated the number of horses at 80,000 based on earlier dourine work on the Navajo Reservation.
2. Source: Zeh, *"General Report Covering the Grazing Situation of the Navajo Indian Reservation"*, *Survey of the Conditions of the Indians of the United States* vol.18, p. 9121

NUMBER AND PERCENTAGE OF ANIMAL UNITS* ABOVE RANGE CAPACITY ON THE NAVAJO RESERVATION 1931

Reservation Area	Range Capacity	Total Animal Units	Number of Animal Units Above Capacity	Percentage of Animal Units Above Capacity
Southern Navajo	41,493	114,764	73,271	63.8
Western Navajo	38,800	41,544	2,744	6.6
Northern Navajo	28,299	61,000	32,702	53.6
Leupp	7,469	10,088	2,619	26.0
Eastern Navajo***	3,637	6,000	2,363	39.4
Total	119,697	233,396	113,699	48.7**

* One animal unit is equal to one horse or cow, or five goats or sheep.

** The total percentage is arrived at by dividing the total Animal Units into the total surplus.

***Statistics for the Eastern Navajo Reservation include only those areas that lie within the reservation proper, and not the Checkerboard area.

Source: Muck, *An Economic Survey of the Range Resources and Grazing Activities on Indian Reservations*, July 15, 1931. Senate Survey, part 22 p. 12104

American people replaced the Republican administration of Herbert Hoover with a Democratic one headed by Franklin Delano Roosevelt.

Roosevelt, in choosing his Cabinet selected Harold Ickes of Chicago as Secretary of the Department of the Interior. The position of Commissioner of Indian Affairs within the Interior Department was filled by John Collier, a long time advocate of Indian rights. The choosing of Collier as Commissioner caused varied reactions across the nation. Collier had been supported by many Indian groups because of his knowledge and interests in Indian affairs, but dreaded by many westerners and long-time employees of

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the Indian Service. Many of these people considered Collier an eastern idealist and a crank, because of his criticisms of the Bureau policies during the 1920's.

During this period Collier had become interested in the Pueblo Indians' fight to keep those lands granted them by the Spanish and he had helped organize the Inter-tribal Council of Pueblos. Collier and the Pueblo Council managed to defeat the Bursum Bill which had proposed to cancel the land claims of the Pueblo Indians, an action which gained him both friends and enemies. More importantly it caused Collier to become more interested in Indian Affairs. He became a strong critic of Indian policy and a prominent spokesman for the Indians, serving as Executive Secretary of the American Indian Defense Association and later as editor of this group's publication, *American Indian Life*.

During these years of close association with Indian affairs, Collier developed a philosophy much different from the assimilation policy generally followed by the Indian Service.

Collier's beliefs centered around the ideas of "cultural pluralism" which called for a combination of different lifestyles. This would allow each group to accept the cultures of other groups and even adopt those cultural traits which would enrich their own culture. Collier believed that it was impossible to separate a people and their culture, and to assimilate them into another culture would destroy them.[13] The problems faced by boarding students returning to the reservation pointed this out. They did not belong to either the Indian or the Anglo world.

Collier's opponents charged that he was really advocating a "Return to the Blanket" type of philosophy which they said would simply return the Indians to their old ways. This would again create the same cultural problems that had existed in the past.

The new Commissioner of Indian Affairs met these charges by indicating that it was inevitable that the Indians would come into contact with the Anglo culture. When this occurred, they would be free to adopt any cultural changes they wished. This type of voluntary change would however, be different from the adoption of white ways forced upon the boarding school students. The new system would allow the Indians to select those ways of life from the Anglo culture which would benefit them, rather than have an entire foreign culture forced upon them by non-Indians.

To put these new ideas into effect, Collier felt that certain steps must be taken by both the Indians and the Bureau of Indian Affairs. First, the Indians must achieve more self-government, with the federal government helping out during the change-over period. Second, reforms were needed to help protect Indian lands and natural resources. The Dawes Severalty Act of 1887 had divided many reservation lands into individual allotments and a large number of these had fallen into non-Indian hands. This must not be allowed to happen again, and provisions needed to be made to restore allotted lands to the tribe when an allottee died or decided to sell his land. Third, tribal monies should be used to buy more land for the tribes, and to consolidate scattered holdings into more useful areas.

Based partly upon this philosophy, Secretary of the Interior Ickes and Collier, with the knowledge and approval of President Roosevelt, developed a set of principles to be followed by the Indian Service. These were: (1) Indian societies must continue to exist as cultural groups, and Indians societies which were in danger of extinction should be regenerated; (2) these Indian societies must be given status, responsibility and power; (3) Indian lands should be held, used and cherished in any way a particular Indian group desired; (4) Indian groups should be free to get help from the federal government in the areas of tribal organization, educational programs, economic assistance, and conservation; (5) tribes should be given the experience of responsible democracy, with the right of self-government and self-determination.[14]

It was in these areas and others that the Bureau of Indian Affairs began its programs on the Navajo Reservation to help bring the Navajos back to better times.

The New Deal Comes to the Reservation

The first programs aimed at the Navajo Reservation came not as a result of the new Collier policies, but as a result of Congressional action aimed at creating work for the American people.

In March of 1933, Congress approved the creation of the Civilian Conservation Corps, and on April 5, the program called for the reseeding and reforestation of federal and state lands. The reforestation section of the act included soil erosion control, while the reseeding section was designed to restore vegetation to depleted range lands. The act also included the building of recreational facilities as well as other worthwhile projects.

Indian Reservations were considered federal property and were thus eligible for any CCC projects dealings with conservation. Of the seventy two CCC camps proposed for the nations thirty three Indian reservations, the states of New Mexico and Arizona were allotted forty-three, with twenty-five of these camps to be located on the Navajo reservation.

These Civilian Conservation Corps camps on the Navajo reservation were engaged in a wide variety of projects which included building small earthen dams to catch and hold water for livestock, cleaning out springs, drilling wells and putting up windmills and water storage tanks. They built logging roads to timber sources and engaged in fire fighting as well as carrying out a rodent poisoning project.

The establishment of the projects in Navajoland came at a perfect time. Continuing economic problems, as well as a severely dry year, had made reservation conditions extremely hard for the Navajos. The programs set up on the reservation proved to be a lifesaver for many of the Navajos who worked on the different projects.

Navajo workers were paid thirty dollars a month and those who supplied a team of horses received an additional two dollars per day. These wages, while low by today's standards, went a long way during the depression days of the 1930's and helped many Navajo men supply the basic necessities of life for their families.

The new flow of cash from CCC project wages began a new trend in the old barter and trade economy of the reservation. With cash, the Navajo now began to be less dependent upon the trader for credit. Some problems developed as a result of many Navajos buying on credit, but cashing their C C C checks somewhere else rather than paying off their debts to the trader. Attempts were made by these traders to collect the workers checks directly from the government, but this was stopped when the Superintendent of the Southern Navajo Agency, John Hunter, informed the traders that they were not to give more than $15 a month credit to CCC workers. Then when their checks were cashed, the worker must be given no less than $15 in cash, no matter how much he owed at the trading post.[15]

These problems of credit and collection were to persist for many years, but they marked the beginning of the change from barter to cash which gradually became the standard means of exchange on the reservation.

The Soil Conservation Service and the First Livestock Reduction

In July, 1933, the conservation advisory committee of the Department of Agriculture issued a report following along the lines of earlier reports. This report concluded that conservation of the reservation was of utmost importance as nearly seventy percent of the land had already been seriously eroded as a result of overgrazing.

In order to begin work on conservation projects, Collier appeared on the agenda of the Tribal Council meeting held at Fort Wingate on July 7, 1933. Using the Tribal Council meeting to his advantage, Collier outlined his proposals for the Navajos. These proposals included self rule, construction of day schools on the reservation, and a request that the Tribal Council give serious thought to the problems of overgrazing and soil erosion on the reservation. Collier also presented his most important and pressing goal, the creation of a soil experiment station to be operated by the Soil Erosion Service of the Department of Agriculture. The proposed site of the experiment station was to be about twenty-five miles northwest of Gallup, at Mexican Springs, New Mexico.[16]

The station site and the experimental program was approved by both the residents of the Mexican Springs area and the Tribal Council. Following this approval, the CCC began fencing off the area. This conservation experiment station became the basis for what was to later become the Soil Conservation Service of the United States Department of Agriculture. The Mexican Springs Experiment Station soon led to the creation of thirteen demonstration areas known as the "Navajo Project". The main purpose of these demonstration areas was to show the Navajos that rebuilding the grazing range and improving livestock management would allow them to graze fewer animals and produce more income, while at the same time, they would be protecting their lands from erosion.

When the Tribal Council met again on October 30, at Tuba City, Arizona, Collier and his assistants introduced a general program to the council representatives. The CCC program was already in effect on the reservation and in additon to this work, Collier recommended that; (1) efforts be made to obtain more grazing lands for the tribe; (2) the emergency conservation programs now in effect on the reservation be continued and that the soil conservation program be carried out across the entire reservation; (3) that fifty new day schools be build on the reservation; (4) the tribal government be reorganized and that one central headquarter, under one superintendent, be established instead of the six separate agency jurisdictions. In place of these six agencies, twenty-five sub-agencies would be scattered across the reservation which would better serve the Navajo people, and (5) that the council pass a resolution favoring a stock reduction program on the reservation.[17]

The groundwork for this proposal involving a stock reduction program was carefully laid, with Collier and his associates using charts to explain the seriousness of the overgrazing problems and the benefits the tribe would receive from such a program.

Compensation for livestock losses would come from both the federal government, who would finance the purchase of the livestock, and from wages paid to those Navajos who worked on government programs on the reservation. Also improved breeding practices would help increase the income of Navajo stockraisers even though the size of their herds would be smaller. This reduction, Collier stated, should be at least 200,000 sheep and 200,000 goats.[18]

In making his recommendation on reducing livestock, Collier indicated that the government had the power to carry the reduction program out, but that it was preferred that the tribe act in this matter itself.

Collier met with the entire council, during the day, but while sitting in executive session during the evening, it is believed that the Commissioner used the promise of support for additional lands to the reservation if the Navajos would accept the stock reduction and conservation programs outlined at the earlier meeting.[19]

The next day, the Council, acting under pressure from Collier, agreed to the stock reduction proposals. Money for the purchase was provided by the National Relief Administration for 100,000 head of sheep at $1.00 per head for ewes and $2.50 to $3.00 for wethers. This price had been discussed earlier at the Council and Chee Dodge had stated his objections that the higher prices for non-breeding livestock would cause these to be sold, while the best livestock would be kept. This would add more sheep to the reservation and not solve the problem at all. These objections went unheeded and quotas were set by agency jurisdiction for the amount of livestock to be sold. The Southern Navajo District's quota was set at 32,000; the Northern Navajo District at 20,000; the Eastern Navajo District at 15,000; the Western Navajo District at 15,000; the Hopi District at 10,000; and the Leupp areas at 8,000.[20]

No provisions had been made for determining how the stock was to be selected for the reduction program but each of the six agencies had been given a quota which they were required to meet. The selection problem was left to the individual agencies, how they met them was their decision. The only guidelines given were by Commissioner Collier, who ordered that efforts be made to reduce the herds of the large owners and that only quality livestock be purchased. The agency jurisdictions, operating without set guidelines eventually followed the pattern set by the Western Navajo Agency, which introduced a straight ten percent reduction of all flocks with seventy five percent to be ewes and the remaining twenty five percent to be wethers. This resulted in what Chee Dodge had predicted at the Tuba City council meeting. The large owners were able to cull their flocks of unproductive animals while the smaller owner who could least afford it were forced to sell ten percent of their already small herds, giving up productive ewes, which further reduced their livelihood.[21]

The sales were conducted by Indian Service workers, CCC enrollees, chapter leaders, headmen and traders. The first reduction was carried out immediately and eventually during the winter of 1933-34, ninety percent of the reduction goal had been met.[22]

This first reduction met with little outward hostility on the part of the Navajo people, although groups of women did protest the council's action which forced them to sell their sheep.

As time passed the reduction program was viewed by the general Navajo population with greater suspicion. A cash economy on the reservation was far from being an established fact in Navajoland in the 1930's, thus it was hard for most Navajos to understand how wage work would in any way help replace the livestock which had always been the basis of wealth and security within their culture.

The reduction program placed the Tribal Council squarely between the obvious need to stop the overgrazing and erosion caused by too much livestock and the general feelings of the people, most of whom did not want to change from the old style livestock economy to a new wage economy.

This first reduction produced the desired goals set by the federal government with ninety percent of the reduction quota met. However, in terms of the effect it had on the Navajos, it was a psychological failure. It created resentment and suspicion of the federal government because it only culled the herds of the large owners who represented a small percentage of the population and seriously hurt the small owner who already lived on a subsistence level. It was only normal that the Navajos would oppose any further stock reduction programs.

The success of the first livestock reduction program had relied heavily upon cooperation from the Navajo people. Much of this cooperation came as a result of work carried out at the Chapter House level across the reservation.

Chapter Houses

The first chapters were started in 1927 in the Leupp area by Agency Superintendent John G. Hunter, who felt that there was not enough contact between the agency and the average Navajo. Few Navajos came into the agency and the only contact the agency office had with the people was when an agency official ventured out to visit with the Navajos. Because of this situation, few of the Navajos in the Leupp area were completely aware of all parts of the government programs which were beginning to take place on the reservation. Also, the agency was unaware of the Navajos' feelings about these same government programs. To correct this lack of contact between the two groups, Hunter proposed that a general meeting similar to the "New England Town Meeting" be set up in the Leupp Agency area.[33]

On July 20, 1927, the first chapter or community meeting was set up under Hunter's supervision. The Navajos in the Leupp area quickly responded to these early general meetings at the Leupp Agency. As one meeting followed another, the numbers of Navajos attending continued to grow. Soon the number of Navajo people attending these meetings became too large.

Superintendent Hunter next approached the idea of a community meeting from another angle. Hunter began to approach the headmen in the Leupp area with the suggestion that meetings be held in each local area. These meetings, presided over by the elected officials, could discuss community problems and government programs at the local level and at least once a year a general meeting could be held at the Leupp Agency.

By working through the headmen and using an already established idea of meetings which were ordinarily held at ceremonials, Squaw Dances and Yeibichais, Hunter's ideas took root. It was not long until the Leupp area was divided into five sections, each with its own chapter house.

These early chapter houses were run by three elected officials which include a chief (later called president), a vice-chief (later vice-president) and a secretary. The chapters were encouraged to hold community meetings from four to five times a year. During these meetings, the officials were responsible for finding out what the people thought of the different government programs and for bringing these thoughts to the attention of the agency. The chapters were also asked to plan projects which would benefit the entire Navajo community. Projects such as building a chapter house in which to hold their meetings, making roads, building bridges, dams and irrigation systems. The chief (president) would be in charge of overseeing these projects and the poeple of the community would donate the needed labor and materials to carry the projects out.[24]

The chapter house idea soon became a success and when Hunter left the Leupp Agency in 1928 to become Superintendent of the Southern Navajo Agency at Fort Defiance, he began putting the chapter house ideas into effect there. It was not long until the chapter house plan spread across the reservation, and by 1934, 500 chapter houses had been established. Early chapter house meetings generally lasted from two to three days. One of the first actions taken by the new chapters usually concerned the building of a meeting place. These buildings were usually located near a source of water and on a road near the center of the population it was to serve.[25]

The chapter houses played an important part in helping to carry out the first voluntary stock reduction program on the reservation in 1933-1934. Quotas for the amount of stock to be reduced in each area were set by a conference between the grazing district supervisor, range riders and Council delegates. These quotas were then given to the chapter house officials to carry out. It was the chapter house official's responsibility to see that its members carried out the reductions and kept their stock at the reduced level.[26]

The chapter house had two methods by which it could meet its reduction quota. Each owner could be asked to reduce his herd by the same amount. This reduced the herds of small stock owners who could least afford the loss while same percent reduction made little difference in the large herds of the wealthy owners.

The second method of reduction proved to be just as hard on the small owner. This method based the number of animals to be reduced on the grazing capacity of the land. The large owners generally controlled the best land which would allow them to maintain large flocks. The small owner on the other hand generally hold only poor grazing lands. It was the small owner whose land would not support large herds that had to reduce his livestock because the land could not support even his small herds. The people who could least afford it seemed to be bearing the brunt of the reduction program.[27]

This situation often caused the small owners to feel that they were the victims of the chapter house officials who were responsible for meeting the reduction quotas. These officials were generally from the larger clans in the areas which usually controlled the best lands and owned the largest herds.

The unfortunate results of the first stock reduction and the later goat reduction program caused many Navajos to begin viewing the whole stock reduction program unfavorably. The people, working through the chapter houses, had voluntarily helped with the first reduction plan. Now these same chapters became centers of resistence against further stock reduction programs.[28]

The Second Stock Reduction Program

After the Tuba City council meeting at which the tribal delegates had given their initial approval of Collier's general program, he began work on putting the different aspects of his plan into effect. Two important parts that needed immediate attention were those dealing with Indian self-government and the need for further conservation work which included another stock reduction program.

To put these new plans into effect, Collier appeared before the Tribal Council at their meeting at Fort Defiance on March 12-13, 1934. Here he outlined the provisions of the Wheeler-Howard Bill which was under consideration in Congress. The Wheeler-Howard Bill was designed to give the Indians more self-government and allow them to organize tribal governments along constitutional lines. Acceptance or rejection of the Act was to be made by vote of the people. However, the Tribal Council refused to take any action on the proposed legislation and postponed discussion on it until its next meeting at Crownpoint, New Mexico on April 9, 1934.[29]

Following this action by the Council, Collier introduced his second subject, the need for another stock reduction program on the reservation. In approaching this subject, Collier stated that any success in getting additional lands added to the reservation by the proposed New Mexico and Arizona land bills depended partly upon the Navajos. Washington would be more likely to approve land additions if it were obvious that the Navajos were making some conservation efforts. A second stock reduction program would probably help in getting the needed land additions as well as more federal funds for conservation programs on the reservation.[30]

Collier's second stock reduction program called for the tribe to reduce its sheep and goat count by 150,000. Of this number, 100,000 must be goats and the remainder sheep. Also eighty percent of the annual new sheep and goat crop must be sold each year. If this were done and the Navajos kept within the recommended grazing capacity of the range, there would be no more need for further stock reductions.[31]

The Council delegates in their discussion of the proposed reduction plan raised several objections which were either answered or left unresolved. They finally agreed to the general principles of the proposed program, but neither Collier or the Council members realized the problems and hostilities this second reduction would create.

The council met again in less than a month in April, 1934, at Crownpoint, with James Stewart, Director of the Indian Office Land Division representing the Indian Bureau in place of Collier, who was in Washington trying to get the Wheeler-Howard Bill through Congress.

Two major issues were covered during the meeting, that of accepting the Wheeler-Howard Bill and the new proposed stock reduction program. A heated discussion between the delegates in favor of the proposed bill and J. C. Morgan and his followers, who were opposed to it, ended in a vote being taken. Seven delegates voted in favor of accepting the proposed legislation, but the five Morgan delegates which included three from Shiprock and two from Tuba City, refused to vote on the measure.[32] This lack of unanimous consent, generally acknowledged as the basis for Navajo decision making, was to foretell the fate of the Wheeler-Howard Act on the reservation.

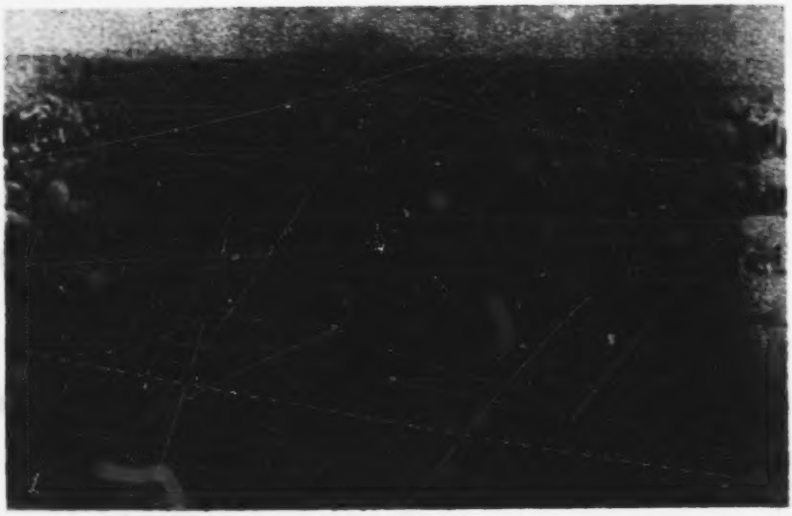
After the vote on the Wheeler-Howard Bill, the council turned to the even more controversial stock reduction issue which the council had doubtfully accepted at the Fort Defiance meeting. The council again met in closed session and reviewed the figures concerning the amount of livestock owned by the tribe and the need to reduce this to the carrying capacity of the Navajo range.[33]

After the meeting at Crownpoint, Collier proceeded to carry out the consolidation part of the original program which he had presented at the Tuba City Council meeting in 1933. The need to condense the six agency jurisdictions into one central headquarters along with a tribal headquaters building had been explained to the council earlier. During the intervening period of time, rivalry between the reservation bordertowns for the site of the new headquarters was great. Collier finally chose Tsé gáhoodzáni or Window Rock, which was located about twenty-five miles northwest of Gallup, New Mexico and five to six miles south of the original agency headquarters at Fort Defiance. This was the perfect site for the new headquarters, which would be built in the rough yet beautiful red sandstone area.

Between the Council meetings at Crownpoint in April and Keams Canyon in July, the opposition of the Returned Student Association, led by Jacob Morgan, became even more critical of Collier and the new policies of the Indian Bureau, especially over the proposed day school programs. Morgan and his associates, products of the boarding school environment, were strongly opposed to the closing of any of the boarding schools and being advocates of the old assimilation ideas, they were also opposed to building day schools instead of new boarding schools.

Aside from these conflicts between Morgan and Collier at the Keams Canyon council, the delegates voted to finalize the proposed herd reduction program. The program called for the Navajos to sell 150,000 goats, with the sale of 50,000 sheep to be optional.

The program was to be carried out in the same manner as the first reduction, with quotas set for the six agency jurisdictions. But, to avoid the problems which had caused the small owners so much grief under the straight



Overgrazing of parts of the reservation had become a serious problem by the 1930's.

(Photograph by Milton Snow, Courtesy Museum of New Mexico)

ten percent reduction of the earlier program, the delegates sought to protect the livelihood of these small owners in the second reduction.

Families with small herds of less than one hundred were not to be forced to take part in the program. However, because the program was aimed primarily at the overabundance of goats on the reservation, these same families, if they fell in the small herd category and owned fifty goats would have to sell these and use the money to buy sheep from the large owners. This would help them build up their herds to the level that would provide them with a reasonable living. This plan it was felt, would reduce the flocks of the large owners as well as raise the income of the small owners.

Money for the purchase of the animals sold by the Navajos was to be provided by the government's Drought Relief Program. The original plan called for the goats to be bought and shipped to market where they would be slaughtered and the meat canned. This meat was then to be returned to the reservation where it would be used in the schools to help feed Navajo students.

As the second reduction got under way, the problems of the long distances the goats had to be driven to reach the shipping points and weather conditions soon caused the program to bog down. Orders were given to let the Navajos slaughter as many of the goats as they could use following their purchase by the government. These orders were withdrawn later and the animals were shot and left to rot. One large herd was shot at Jones Canyon because it was

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impossible to get them to the Tuba City shipping depot.[34] This was reported to have happened many times across the reservation and the Navajos, shocked by the destruction and useless waste of these animals, watched helplessly as the animals were slaughtered.

The purchasing agents also violated the agreement made by the tribal council and bought animals from the small owners, especially in the Eastern Checkerboard area, further reducing the already small flocks. This resulted in bringing many Navajos to the point of poverty and allowed many white stockmen to begin moving their livestock onto the almost vacant Navajo range.

The 1934 reduction was extremely unpopular because of these actions and was bitterly opposed by almost all Navajos. Even those who owned no livestock were affected by the act. These people depended to a large degree upon the owners of large flocks to employ them as workers. When these large flocks were reduced, so were the available jobs.

Many personel experiences of the stock reduction years between 1933 and 1940 have been collected in a book by the Navajo Community College, entitled *Livestock Reduction: A National Disgrace.*[35] Students of Navajo history are encouraged to read some of these stories in order to gain a better understanding of the feelings of the people who were actively involved in the various livestock reduction programs during the 1930's.

For all its problems and drawbacks, the 1934-35 reduction program did succeed in lowering the goat population from 294,851 in 1934 to 146,407 in 1935. In addition to the reduction of goats, 50,000 sheep were also sold during these years.

In 1935, the Federal Emergency Relief Act, set aside $362,500 to purchase 200,000 more sheep and goats from the Navajos. However, the Tribal Council would not enter any agreements concerning this offer, and only 14,317 sheep and 14,185 head of goats were purchased. The remainder of the allotted funds were used for similar purchases on the Laguna and Acoma Indian Reservation.[36]

Because of the bitter feelings and hostility caused by this reduction program, later reductions of livestock would be conducted not on a voluntary basis, but by government force, until 1954 when the tribal government mounted a united effort in opposition of these reductions.

Range Management Districts

In order to continue the work of conservation on the Navajo Reservation, Secretary of the Interior Ickes and Commissioner Collier issued a set of guidelines in 1935, entitled *Regulations Affecting the Carrying Capacity of the Navajo Range.* These regulations were an attempt by the Bureau to bring the practices of soil conservation closer to the Navajo people, and would ultimately place the responsibility for conservation programs on the reservation in the hands of the Navajos themselves.

Following the issuance of these regulations, nineteen Range Management Districts were planned in the spring of 1936, with the districts ranging in size from 396,160 acres to 1,759,360 acres. Each district would employ an administrator to oversee the work of other employees which would consist of the range supervisors, range riders and practical sheep men who would act as aids in the administration of range management plans.[37]

The Navajo Tribal Council was given the power to set the grazing regulations which would cover both livestock ownership and the operation of the reservations livestock industry along with a grazing permit system.

The Council accepted this challenge and on November 24, 1936 passed a resolution which created a committee to write a set of Special Grazing Regulations for the reservation. These regulations were duly written and approved by the Council on June 2, 1937.[38]

Further Reduction: 1937 Grazing Program

Government studies on the grazing capacity of the land management districts had also been completed by this time allowing Walter Woehlke of the Indian Service to announce on June 23, 1937, "that the new grazing code would stop the practice of allowing the large owners to divide their herds among relatives and achieve a fair distribution of livestock among all Navajos".[39] It would also bring the amount of livestock within the grazing capacity of the land management districts.

The program was designed to reduce the herds of the large owners and leave the small owners undisturbed. However, the Navajo People were not ready to cooperate in this situation. The program also called for the roundup of horses, burros and cattle and although the program was not reservation wide at this time, it was to become so later on.

The roundup program provided for all stock to be corraled, with local owners being brought in to identify their stock and brand the animals with the tribal brand along with that of the owner. The roundup crews would then move on to another area and begin the process all over again. The district supervisor would then try to persuade the owners to sell some of their unproductive livestock, especially horses.[40]

By using the roundup methods and the sheep dipping records, the officials could then determine the number of livestock within their districts. To determine the amount of livestock each individual could graze was a more complicated task than determing the amount of livestock in each district.

The formula used for individual ownership called for breaking the total livestock into sheep units. Then the officials took the number of owners in a district and divided that number into the estimated number of animals each district could handle. The figure which resulted was called the "base preference" which was the average amount of livestock each owner could graze if every owner was equal. Then those Navajos whose herds were smaller were subtracted from the base preference. This amount was then added to the large owners to determine the maximum limit that anyone in the district could graze. Then anyone whose stock exceeded this mixinum limit had to sell all their excess stock.[41]

Criticisms of the grazing permits pointed out that it tended to penalize the harder working Navajos who tried to get ahead, while the less energetic were not touched by the program. Another criticism touched on the fact that the grazing permits issued under the new regulations were based upon the livestock count of 1937 and only those owning livestock in that year were issued permits. This posed a hardship upon younger Navajos who were thus denied livestock ownership and prohibited parents from establishing herds to help get their children started in their future roles as adults.

The most important shortcoming of the program however, came as a result of the government's failure to provide other ways for the Navajos to bring in money, especially in those districts which were so overgrazed that the maximum limit of stock per family was not enough to meet the basic needs of the people.

Because of the length of time required to establish district grazing limits, the expected stock reductions virtually ceased between 1938 and the summer of 1939. Unfortunately at this same time CCC funds were cut back drastically, further hurting those Navajos who depended upon the wages from the various CCC projects and those people who supplemented their livestock income from CCC sources.

The issue of stock reduction was not dead and the federal government's goal of reducing Navajo livestock to 560,000 sheep units, which was considered the carrying capacity of the range, was still a problem to be faced by both the Navajos and the federal government.

Each of the grazing districts was set a quota, depending upon the "carrying capacity" of that district and no permits were issued for livestock above the established quota.

The first permits were issued in 1940 and began a 20 year period of problems and distrust between the Navajo People and the federal government. Many Navajos who disagreed with the basic reasoning behind the forced reduction of their livestock balked at the use of permits, limited grazing areas and forced herd reductions.

Resistance grew rapidly across the reservation causing many of the **Diné** to be arrested and imprisoned for their failure to reduce their herds. As they became more angry and suspicious of the new districts and its programs, tempers flared, causing the generally practical and realistic Navajos to take actions they would never have considered under different circumstances.

The Secretary of the Interior resorted to the courts to enforce regulations. This happened in the case of the *United States of America-v- Jake and Lucy Yellowman*, who were taken to court because of their failure to reduce their livestock. The courts upheld the Secretary of the Interior's right to enforce grazing regulations through the court system.

In 1941, the Navajo tribe sought and received permission to issue special grazing permits to individuals who held regular permits. This would allow

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them to graze the same number of livestock they had held continuously since 1937. These permits were dated and the holders had to remove all excess livestock above the temporary limit of three hundred and fifty sheep units. These special permits were again extended in 1942.

Following the end of World War II, the Tribal Council tried to get the regulations relaxed and on June 16, 1948, following a survey by Lee Muck, the government placed a "Freeze Order" on the grazing regulations. This "Freeze Order", temporarily stopped the punishment for disregarding grazing regulations and allowed the Tribal Council time to develop its own effective grazing controls, with the Bureau trying to place the responsibility to making and enforcing grazing regulations and range management upon the tribe itself.[42]

The deadline for establishing these controls were extended several times between July 1949 and June 1954, when the tribe accepted a completed set of regulations. These were approved by the Secretary of the Interior on April 25, 1956, and thereby established the procedure which would allow the tribe to handle and regulate its own livestock industry.[43]

Footnotes

[1] John Terrell, *The Navajos* (New York: Webright and Talley, 1970). p. 269.

[2] William H. Zeh, "General Report Covering the Grazing Situation of the Navajo Indian Reservation", *Survey of the Conditions of the Indians of the United States, Vol. 18* (Washington: Government Printing Office, 1931), pp. 9123-9127.

[3] Robert Young, *The Role of the Navajo in the Southwestern Drama* (Gallup: The Gallup Independent, 1968), p. 64.

[4] *Ibid.*, p. 66.

[5] "A. B. Merritt Addresses the Tribal Council", *Navajo Times*, October 20, 1977, Vol. 18, pp. 4-6.

[6] Young, *op. cit.*, pp. 66-67.

[7] *Ibid.*, p. 67.

[8] *Ibid.*

[9] *Ibid.*

[10] Donald L. Parman, *The Navajos and the New Deal* (New Haven: Yale University Press, 1976), p. 224.

[11] *Ibid.*, p. 22.

[12] Lee Muck, et. al., *Survey of Conditions of the Indians in the United States, Vols. 21-22* (Washington: Government Printing Office, 1932), p. 12304.

[13] Lawrence Kelly, *The Navajo Indians and Federal Policy, 1900-1935* (Tucson: University of Arizona Press, 1968), p. 158.

[14] John Collier, *From Every Zenith* (Denver: Sage Books, 1963), pp. 199-215.

[15] John Collier, *Indians of the Americas* (New York: W. W. Norton and Company, Inc., 1947), pp. 261-262.

[16] Parman, *op. cit.*, pp. 35-36.

[17] *Ibid.*, pp. 37-38.

[18] *Ibid.*, pp. 38-43.

[19] *Ibid.*, p. 45.

[20] *Ibid.*, pp. 42-44.

[21] *Ibid.*, p. 43.

[22] *Ibid.*, p. 48.

[23] Aubrey Williams Jr., *Navajo Political Process* (Washington: Smithsonian Institute Press, 1970), p. 1.

[24] *Ibid.*, p. 36.

[25] *Ibid.*, p. 35.

[26] *Ibid.*, p. 39.

[27] *Ibid.*

[28] *Ibid.*, p. 38.

[29] Parman, *op. cit.*, pp. 52-53.

[30] *Ibid.*, p. 53.

[31] *Ibid.*

[32] *Ibid.*, pp. 55-56.

[33] *Ibid.*, p. 56.

[34] *Ibid.*, p. 64.

[35] Ruth Roessel and Broderick Johnson, comps., *Navajo Livestock Reduction: A National Disgrace* (Chinle, Arizona: Navajo Community College Press, 1974).

[36] Kelly, *op. cit.*, p. 162.

[37] Parman, *op. cit.*, pp. 112-116.

[38] Robert Young, Navajo Yearbook, 1951-1961 (Window Rock, Arizona: Navajo Agency, 1961), p. 55.

[39] Parman, *op. cit.*, p. 172.

[40] *Ibid.*, p. 173.

[41] *Ibid.*, p. 174.

[42] Young, *The Role of the Navajo in the Southwestern Drama*, *op. cit.*, p. 69.

[43] Young, *Navajo Yearbook, 1951-1961*, *op. cit.*, pp. 155-162.

Chapter 18

OTHER CHALLENGES OF THE 1930's

The decade of the 1930's also found the Navajos involved in other issues dealing with proposed changes on the reservation. While the actual reduction of reservation livestock appeared to hold the Navajo peoples' attention at center stage, related issues were also being considered. The most important of these issues dealt with tribal government organization, reservation political issues, and the ever present land problem.

The major political battle fought by the Navajos, other than dealing with livestock reductions, concerned the acceptance or rejection of the controversial Wheeler-Howard Indian Reorganization Act of 1934.

The Wheeler-Howard Indian Reorganization Act

Commissioner of Indian Affairs John Collier felt strongly about the need for self-government as well as the need for the preservation of Indian lands. Compelled to put these ideas as well as the recommendations of the 1927 Meriam Report into action, Collier introduced legislation into Congress which would accomplish these goals.

In March, 1934, Collier urged the Navajo Tribal Council to accept the Wheeler-Howard bill, although it was still under consideration by Congress and had not been enacted into law. The Tribal Council, after delaying the vote until the next month, finally voted to accept the bill, but the vote was far from unanimous.

Later, on June 18, 1934 Congress passed the Wheeler-Howard Indian Reorganization Act. This act, named after Senator Burton K. Wheeler and Representative Edgar Howard, who sponsored the bill in Congress, was the first major piece of Indian legislation to be enacted by Congress since the Dawes Severalty Act of 1887. The new act was designed, in many ways, to counteract the destructive features of the Dawes Act, as well as other Indian policies of the late 1920's.

The major terms of the Wheeler-Howard Act, provided that: (1) no reservation lands were to be allotted to Indians in the future; (2) two million dollars was to be authorized annually to provide land for Indians who had none; (3) the Secretary of the Interior had the power to issue regulations to restrict the number of Indian livestock to the carrying capacity of the range; (4) the Indian tribes had the right to organize themselves into corporations under a charter, with $250,000 to be authorized each year to help pay for the expenses of organizing these tribes; (5) ten million dollars was to be authorized to set up a revolving credit fund to promote economic development among those tribes who chose to incorporate themselves; (6) civil service requirements for positions in the Indian Service were to be waived for Indians; (7) each year, $250,000 was to be authorized and made available for Indian children who sought special vocational or trade school educations; (8) all Indian tribes were empowered to adopt an appropriate constitution and by-laws for their own self-government when approved by a majority of the adult members of the tribe; (9) charters of incorporation granted to the tribes adopting them would include the right to purchase, own, manage, operate, or dispose of their property, real or personal; (10) an Indian was to be defined as a person of Indian descent who was a member of a recognized tribe under federal jurisdiction at the time of the passage of the act, all persons who were descendants of such members and were on June 1, 1934, residing within the boundaries of such a reservation, and all other persons of one-half or more Indian blood.[1]

It also required that each tribe of Indians either accept or reject the Wheeler-Howard Act in an election which would give the tribal members a chance to express their desires.

On the Navajo Reservation the vote on the Indian Reorganization Act soon became known as the "X and O" election. Voting was to take place by districts, with the Diné being instructed to place an X on the ballot if they were in favor of the act, and an O if they were opposed to it.

Campaigns were waged across the reservation by those who supported the act and those who were against it. Those in favor of accepting the act felt that it would give the Navajo Tribe the power to make its own decisions and protect its natural resources.

The opposition forces, led by J. C. Morgan, had two unexpected reservation allies, the white traders and the protestant missionaries. The traders were generally opposed to the idea of tribal self-government because of the fear that they would be forced from the reservation and their trading posts replaced by tribally owned cooperatives. The traders were also opposed to any further stock reduction which might harm the wool and weaving industry which made up a large part of their business. With these fears in mind, the United Traders Association strongly opposed the acceptance of the Wheeler-Howard Act by the Navajos.[2]

The protestant missionary groups also feared that self-government might force them from the reservation. J. C. Morgan, being both the representative of the Returned Students Association and a protestant missionary with the Christian Reformed Church, conducted a widespread campaign against the Act.[3]

The third provision of the act, which provided for further stock reductions, also caused many Navajo voters to oppose the measure. It is possible that many Navajos mistakenly thought that a defeat of the Indian

Reorganization Act would mean an end to stock reductions on the reservation.

The widespread opposition campaign waged by Morgan and the unfortunate results of the second stock reduction program, together with the apparent defeat of the proposed New Mexico Boundary Extension Bill which would add new lands to the reservation, and the mistaken ideas held by many Navajos concerning future stock reductions, led to the final defeat of the Wheeler-Howard Act on June 14 and 15, 1935. The final vote recorded by the Bureau of Indian Affairs indicated that 7,608 Navajos had voted for the act, while 7,992 had been opposed.[4]

The Proposed Constitution and the Headman Council

The long and bitter fight over the Wheeler-Howard Act did nothing to help the administration of Navajo affairs following the June, 1935 defeat of the act on the Navajo Reservation.

Following the defeat of the Wheeler-Howard Act, which would have brought about self-government for the Navajos with a written constitution, Collier proposed that the council be reorganized in order to make it more representative of the Navajo people. As a result of this suggestion, made to the council's Executive Committee at Window Rock on November 23, 1936, the next day the council passed a resolution authorizing and requesting a reorganization of the Navajo governing body. The resolution noted that the council had been established originally to deal with oil and gas leases on the reservation and was now inadequate in dealing with present day problems. It also called for the Executive committee, along with the council chairman, Henry Taliman, to act as a committee to call a constitutional assembly to draft a constitution for the Navajo people.[5]

Following the Bureau's acceptance of the November 24, tribal council resolution, General Superintendent E. R. Fryer engaged the help of Father Bernard Haile, a thirty-five year resident on the reservation at St. Michaels mission, to help with the council reorganization. Haile believed that the best representation for the Navajos would come from the selection of already recognized leaders who had proven their abilities and had earned the respect of the people in the areas where they acted as headmen.[6]

On December 3, the Executive or Constitutional Committee, made up of Marcus Kanuho, Nalhishe, Jim Shirley, George Bancroft, Allen Neskahi, Fred Nelson, Chee Dodge and Deshna Clah Chischillige with Henry Taliman as acting chairman, agreed to begin canvassing the reservation for the names of the headmen. For three months, from December 5, 1936 to late February, 1937, the canvassing committee worked its way slowly across the huge reservation, holding meetings at chapter houses, trading posts and various ceremonials. At these meetings they discussed the need for a reorganization of the council and collected the names of area headmen.[7]

The committee ran into trouble from the Morgan faction, although Morgan himself did not attend any of the meetings. The basic arguments put forth by Morgan's followers dealt with the committee's right to select the men who would make up the constitutional assembly.

Morgan meanwhile continued to work behind the scenes against Collier and the New Deal programs, especially against the still pending New Mexico boundary extension bill. Morgan's opposition to a reorganization of the Council may have been a result of his political ambitions to become Council chairman himself, a possibility that might be lessened if the council were primarily made up of traditional headmen.[8]

The committee, after collecting 250 names of headmen across the reservation were faced with the job of carrying out the actual reorganization of the council. Father Haile's reorganization plans called for the selection of one delegate from the list of names to represent about five hundred Navajos. This arbitrary choosing of seventy men from the list to make up the Constitutional Assembly, quickly brought strong reactions from the Executive Committee.[9]

Many of the committee members were reluctant to choose the delegates, fearing criticism from their fellow tribesmen. The delegates, they said, should be selected by the people in a reservation wide election. The other way was not democratic. Superintendent Fryer and Father Haile insisted, however, that the reorganization should take place immediately and that a general vote on the delegates by the people would take too long to complete.[10]

Bending before this pressure, the committee on March 9, 1937, adopted a nine point proposal including: (1) authorization for the Executive Committee to select the membership of the proposed Constitutional Assembly from the list of two hundred fifty headmen, reducing this number to a total of seventy in the interests of practicality, but carefully choosing them to provide adequately for full representation of all parts of the Navajo country; (2) provision for approval of the membership of the Constitutional Assembly by the Superintendent of the Navajo Agency in place of the Commissioner of Indian Affairs, after which the existing Tribal Council would dissolve itself; (3) provisions for calling a meeting of the Constitutional Assembly after dissolution of the existing Tribal Council, with the further understanding that if the Constitutional Assembly by its own action so demanded, its members would be recognized as the Reorganized Council; (4) a request that the Secretary of the Interior appoint the new chairman of the Tribal Council in the event that the Constitutional Assembly elected to designate itself as the Reorganized Council; (5) provision for continuation of an Executive Committee composed of "High Councilmen" and chosen in a manner not specified on the basis of one member per district. The Executive Committee would review and act upon all items of business presented to the Tribal

Council; (6) provision for the designation of a Business Committee by the High Council or Executive Committee from among its own membership; (7) provisions for recognition of the headmen chosen as bonafide representatives of the Navajo people; (8) provision for appropriate amendment of the Council Regulations of 1928 to reflect the foregoing proposals; (9) provision for this council to act and hold office until a constitution could be framed and presented for approval by the Commissioner of Indian Affairs.[11]

The proposal received the approval of the Secretary of the Interior, Harold Ickes, on March 29, 1937 and on April 8, he informed the Navajo Agency that if the Constitutional Assembly declared itself the official Tribal Council, it should select its own chairman and vice-chairman rather than have this done by the Department of the Interior.[12]

Sixty-eight delegates attended the first meeting of the Constitutional Assembly at Window Rock, on April 9 and 10, 1937, with Marcus Kanuho, the former Tribal Council vice-chairman, acting as the presiding officer.[13] Morgan's name had been included in the list of seventy delegates chosen to make up the Constitutional Assembly because of his ability as a leader as well as the hope that his membership in the Assembly would lesson his attacks on both the Assembly and the government programs on the reservation.[14]

This was not to be the case, however, and on the second day of the meeting, Morgan and some of his followers, both delegates and members of the audience, strongly objected to a resolution calling for the dissolving of the old Tribal Council and the drafting of a constitution. Morgan stated that the Assembly had no authority to dissolve the old Council and that any change must have the approval of the people by popular vote. Superintendent Fryer in answering Morgan's challenge, reminded him that the Council had been established by the Secretary of the Interior and could also be dissolved by him. The Assembly then voted 66-2 to adopt the resolution and elected Henry Taliman as Chairman and Ray Kinsel as Vice-Chairman.[15]

The next day, following the introduction of another resolution calling for the chairman to appoint a committee to draft a constitution for the tribe, which would be subject to both the approval of the Navajo people and the Secretary of the Interior, Morgan and his followers left the Council chambers and the resolution was adopted by a vote of 64-0.[16]

By October 25, 1937, the drafting committee, composed of Robert Curley, Ray Hashkan and Frank Mitchell, with Jim Shirley as chairman*, completed work on the Constitution. It was then sent to Secretary Ickes for his approval.[17]

Constitution Rejected

It had originally been planned to have the tribe develop a constitutional

Group of Navajo Tribal leaders outside Council Chamber, Window Rock, Arizona.

(Photograph by Milton Snow, Courtesy Museum of New Mexico)

self-government with an elected Council and to try to get Congress to act and recognize it as equal to those tribal self-governments set up under the Wheeler-Howard Act. This plan did not succeed because the factions that had developed within the tribe and the tribe's resistence to government stock reduction programs made the Secretary reject the Constitution for the present time.

It was still necessary, however, for an elected Council to take the place of the Provisional Assembly. This was done by the Secretary of the Interior who drew up a set of simple *Rules for the Tribal Council* on July 26, 1938.[18]

The new rules increased the number of delegates from the 12 delegates and 12 alternates set up in the 1928 regulations to seventy-four delegates who were elected along with the chairman and vice-chairman for four year terms. The chairman and vice-chairman could serve no more than two terms in office. Council meetings were still called by the Commissioner of Indian Affairs, but government officials did not have to be present for the Council to meet.[19]

* Morgan had been appointed chairman, but refused the position and was replaced by Shirley.

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An Executive Committee was provided to handle tribal business when the Council was not in session. This committee was to be made of chief delegates, chosen by the representatives from each land management district. A new system of voting based on the secret ballot was also introduced with the use of colors to represent the candidates. These candidates were elected by majority vote with provisions for run-off elections included. The reservation was divided into four areas for the selection of candidates and the man receiving the highest vote became the candidate for that area. These four candidates then drew for colors by which they would be identified at the general election. The candidate receiving the highest number of votes became the chairman and the next highest the vice-chairman. Run-off elections were held in case no clear majority vote existed.[20]

The first election under the new rules, in 1938, resulted in the election of Jacob Morgan as the chairman of the new Tribal Council. The 1938 rules, with added amendments, remain the basis for the Navajo Tribal Council to the present-day.

Because the tribe was a sovereign power when it entered into the 1868 Treaty with the United States Government, it still retains those powers which have not been taken away by specific acts of Congress. The Tribal Council still retains control over its internal affairs and natural resources. The Secretary of the Interior however, still retains approval rights over any changes of Council organization or manner of elections as stated under the 1938 Council Rules.

In other matters concerning the Navajos during the 1930's, the age old land problem continued to be one of the major issues. The need for more land, plus the continuing disputes between the Navajos and their non-Indian neighbors in the Checkerboard areas demanded constant attention and pressure from both the Tribal Council and the Bureau of Indian Affairs.

Attempts To Get More Land

The addition of new lands to the reservation by Executive Order had been stopped in 1918, but the tribe had elected in 1927 to set aside twenty-five percent of its oil royalty monies to buy or lease needed lands.[21] Working with the government, the Navajos were able between 1929 and 1940 to purchase lands with the oil royalty monies. The tribe bought lands from both individuals and companies, including the Santa Fe Railroad and the New Mexico and Arizona Land Company. Land exchanges were also made before 1935 with the Santa Fe Railroad. These exchanges added much needed lands to the overgrazed reservation.

Congressional delegations from New Mexico and Arizona were able to stop Congress from adding new lands to the reservation until 1930. The allotment program was still in effect and up until that date the Indian Service had been able to make 4,600 allotments to the Navajos from the public domain lands.

In May, 1930, a bill introduced by Senator Lynn Frazier of North Dakota was passed which transferred 116,000 acres known as the Tusayan Forest Addition to the reservation. This area was extended again in 1933. In this same year, Congress added the 484,160 acre Paiute Strip and Aneth Extension to the reservation on a permanent basis. This act, however, provided that any oil or gas discoveries should result in the State of Utah receiving thirty seven and one half percent of the net royalties from such productions and the tribe the rest.[22] (See map page 163, Areas O,P,Q, and R)

White opposition, especially in New Mexico, toward new expansion of the Navajo reservation continued. Spokesmen for this opposition group called for a change in the Navajos' basic livestock economy and a program for better range management of those lands they already had, rather than more additions to the reservation.

In 1931, the Secretary of the Interior, Ray Wilbur, withdrew four million acres of public domain land from sale or entry in New Mexico and Arizona to the south and east of the reservation. This land was withdrawn in the hope that the problems created by the Checkerboard land holding could be solved. The withdrawn area had over the years been split between the Navajos, who had received allotments of land there; the Santa Fe Railroad, which still held its original land grants; private and land company holdings; as well as the States of New Mexico and Arizona which held title to school lands within each township.* These holdings were further complicated by the fact that the Navajo Tribe had bought and leased lands within the area.

The plan to solve the Checkerboard problem in 1931 called for exchanges of land to try to consolidate each group's holdings into large blocks of land. This would help untangle the confused situation of land ownership which was constantly causing hostility and friction over grazing and water rights between the Navajos and their Anglo neighbors.

It was proposed to consolidate this area so that all would profit. The Santa Fe had already agreed to a land exchange. All that was needed was legislation to put it into effect.

In 1934, Senator Carl Hayden of Arizona managed to get legislation through Congress and the resultant Arizona Boundary Act, which added about one million acres to the reservation, consolidated the Arizona checkerboard and set the Arizona boundaries of the reservation.[23] (See map page 163 Area S)

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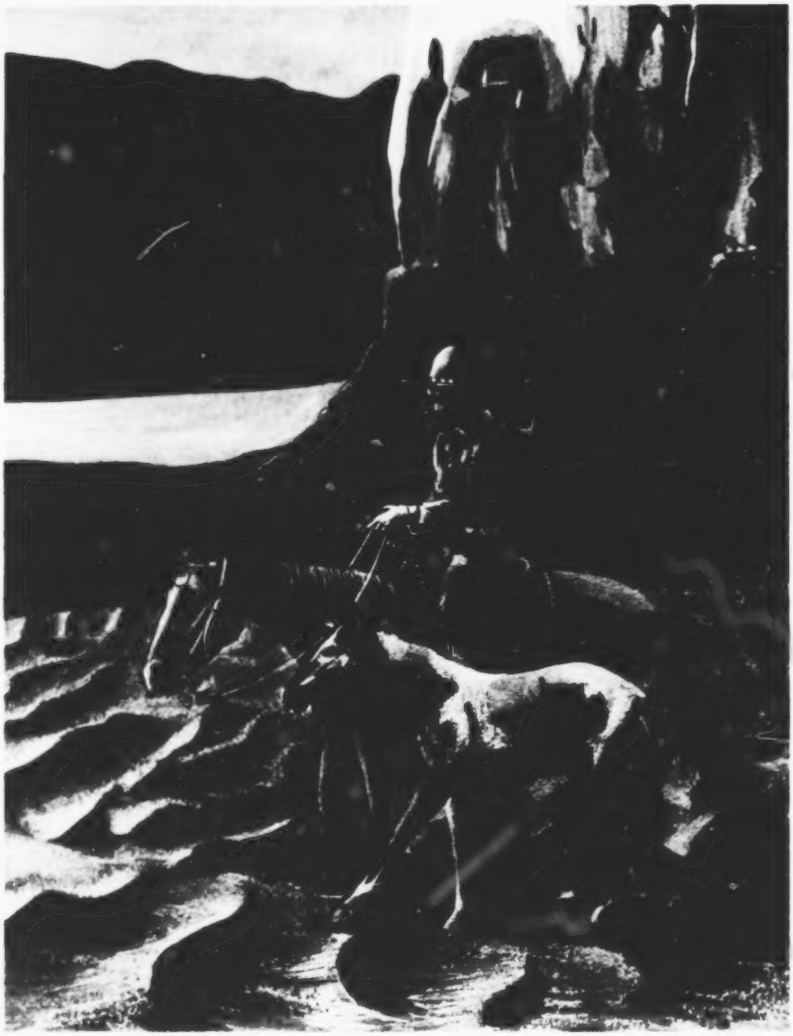
*township - 36 square miles, used for survey purposes. The states had title to three sections in each township for school purposes. A section is one square mile. The states could sell these lands and use the money for schools, or hold on to them and use any mineral royalties for the same purpose.



The New Mexico portion of the boundary bill ran into difficulty as early as June 1933. Here white sheepmen in the San Juan Valley and areas to the southeast of the reservation raised strong objections because they used the area for winter pasturage. As Farmington and Aztec were major shipping points for livestock, they also joined in with their objections. McKinley County, after being assured that loss of tax money would be offset by new roads being built by the Indian Service, gave its support to the land extension.[24]

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The amount of land to be added to the reservation was approximately 2,500,000 acres, although at least 1,000,000 acres of this was land already held in allotments or was tribal land. The New Mexico Boundary bill called for the State of New Mexico to select other lands of equal value in exchange for those which were located in the proposed reservation extension area, with private owners either selling or exchanging their lands for others in the public domain. A total of $482,136.22 in reimbursable funds was authorized for this sale of land, with the federal government promising that no further extension of the Navajo Reservation would take place and all remaining four million acres withdrawn in 1931 would be unfrozen.[25]

At first the duplicate Navajo boundary bills in both the House and Senate found no opposition in New Mexico's congressional delegation, but by May 1934, protests from San Juan County began to arrive in Santa Fe and Washington. Opposition forces used tax losses as their main argument against the boundary bill, but in reality they used this only to cover their major opposition, the loss of grazing lands.

The passage of the boundary bill, promised to the Navajos at earlier Council meetings in order to get them to agree to stock reductions, failed in 1934, primarily because Commissioner Collier was busy with the passage of the Wheeler-Howard bill and failed to give the boundary bill his complete efforts.[26]

The bill was revised in 1935 but still faced the same opposition, especially from the powerful New Mexico livestock lobby. This lobby which represented the New Mexico Wool Growers and New Mexico Livestock Associations, put pressure on the state government in Santa Fe and the state delegation to Washington to kill the bill. These same forces were in fact representing Anglo ranchers who insisted that they were on the best of terms with the Navajos in the disputed area. In reality, they were in many instances actually forcing these Navajos off their allotted lands. They ranged their livestock on allotted Indian lands and took over the available water holes.

Passage of the bill was effectively blocked in 1935 by Senator Dennis Chaves, of New Mexico. Chaves used his influence as Senator from the state which the bill affected to get it sent back to the committee on Indian Affairs.

The boundary bill was reintroduced in 1936, but this time Chavez and the livestock opposition forces were joined by J. C. Morgan. Morgan accused the Indian Service, and Collier in particular, with bringing complete poverty to those Navajos within the Eastern Checkerboard area because of the stock reduction programs.[27]

The battle over the boundary extension bill continued on both the state and national levels for three more years until it was finally dropped by the Interior Department.

The defeat of the boundary bill was a serious blow to the Navajos who had been all but assured that the land extension would take place. In the Eastern Checkerboard area, the people continued to suffer, living on small allotments and forced to struggle for any use of public lands with the more dominant and aggressive white stock owners.

The Taylor Grazing Act

When all chances for passage of the New Mexico boundary bill appeared gone, the Secretary of the Interior, Harold Ickes, placed the entire Eastern Checkerboard area under the Taylor Grazing Act on September 1, 1939.[28]

Before the passage of the Taylor Grazing Act in 1933, the public domain lands were open to free use, with no restrictions on them except those placed there by land use rights which were more or less supported by public opinion, legislation and the courts.

These public lands were generally mixed with those of private and state lands much like the situation to be found in the Eastern Checkerboard area. Federal law prohibited the fencing of these lands and as a result, most of the areas were unfenced, leading to constant struggle by livestock owners to get as much of the grass lands as possible.

In the Eastern Checkerboard area it was the Navajos whose lands were overrun by these aggressive stockmen. For years a bitter struggle between the nearly ten thousand off-reservation Navajos and their Anglo livestock opponents took place.

The Taylor Grazing Act, when passed in 1933, had authorized the temporary withdrawal of public lands from homestead entry and provided for the formation of grazing districts whereby public domain lands were to be leased by stockmen using regulations set up and applied by committees made up of these same stockmen.

The Secretary of the Interior's decision to place the Eastern Checkerboard area under the Taylor Grazing Act created Grazing District No. 7 which was under the administration of the Department of the Interior. A Range Conservation Committee was set up to pass on applications for grazing permits, with the Indian Service representing the Navajos on the committee.[29]

Placing the checkerboard area under the Grazing Act did not stop the friction between the Navajos and the white stockmen, who claimed that the government was forcing white stockmen from the area. The Navajos, though, were to remain the outcasts in the area. Allotments were stopped because the Taylor Act forbad private entry on public lands until the grazing districts were set up. These districts were regulated by a grazing board, made up of stockmen from the district. The board members were selected by secret ballot, which required the voter to write in the name of the candidate. As most Navajos could not write, these first grazing boards were run by white stockmen with little or no Navajo representation.

Footnotes

[1] Edward Everett Dale, *The Indians of the Southwest* (Norman: University of Oklahoma Press, 1976), pp. 217-219.

[2] Donald L. Parman, *The Navajos and the New Deal* (New Haven: Yale University Press, 1976), p. 67.

[3] *Ibid.*, p. 68.

[4] Robert Young, *The Role of the Navajo in the Southwestern Drama* (Gallup: The Gallup Independent, 1968), p. 61.

[5] Aubrey Williams Jr., *Navajo Political Process* (Washington: Smithsonian Institute Press, 1970), p. 23.

[6] Parman, *op. cit.*, pp. 160-161.

[7] *Ibid.*, pp. 162-164.

[8] *Ibid.*, p. 164, n. 9.

[9] *Ibid.*, p. 165.

[10] *Ibid.*

[11] Robert Young, *The Navajo Yearbook, Report No. VIII* (Window Rock, Arizona: Navajo Agency, 1961), p. 379.

[12] *Ibid.*, p. 380.

[13] Young, *The Role of the Navajo in the Southwestern Drama, op. cit.*, p. 62.

[14] Parman, *op. cit.*, p. 166.

[15] *Ibid.*, pp. 167-168.

[16] Young, *The Role of the Navajo in the Southwestern Drama, loc. cit.*

[17] *Ibid.*

[18] *Ibid.*, p. 63.

[19] Young, *The Navajo Yearbook, 1951-1961, op. cit.*, p. 382.

[20] *Ibid.*, pp. 382-383.

[21] Lawrence Kelly, *The Navajo Indians and Federal Policy, 1900-1935* (Tucson: University of Arizona Press, 1968), pp. 119-121.

[22] *Ibid.*, pp. 126-127.

[23] Parman, *op. cit.*, pp. 132-133.

[24] *Ibid.*, pp. 133-134.

[25] *Ibid.*, pp. 135.

[26] *Ibid.*, p. 136.

[27] *Ibid.*, pp. 136-156.

[28] *Ibid.*, pp. 156.

[29] *Ibid.*

Chapter 19

A NEW AWAKENING, THE 1940's

World War II

As the 1930's drew to a close, the Navajo people were, for the most part, still struggling with the problems of stock reductions and general distrust of government programs and policies.

Yet, even as they struggled with their own problems, they began to hear the far distant sounds of war as it spread across the face of Europe. Isolated as the reservation was, the war news from Europe found its way there by radio. Those Navajos who understood English often listened to radios, if they had one in their homes, or at the trading posts or agencies. The news spread across the reservation about the European dictators, Hitler and Mussolini, generally referred to by the Navajos as "Moustache Smeller" and "Big Gourd Chin".[1]

The New Deal programs which had been started on the reservation, such as the Civilian Conservation Corps, began to slow down as Congress began diverting the money for these programs toward preparation for a possible war.

The loss of income to the Navajos from these programs was offset by 1940 with increased prosperity and employment opportunities. As the nation began to move out of the depression years because of the preparedness program, the Navajos began to see more income from the sale of rugs, jewelry, piñon nuts and other reservation products. More jobs were open to Navajos on the Santa Fe Railroad near the reservation and the Northern Pacific Railroad in Idaho. By 1941, the price of wool had risen to 35c a pound, higher than it had been in many years.

In 1940, the federal government began construction of a military ordnance depot at Fort Wingate to handle military supplies. By 1941, this multi-million dollar project was employing about 800 Navajos. Another ordnance depot was built at Bellmont, near Flagstaff, Arizona, and provided other needed jobs for the Navajos.[2]

Following the Japanese attack on Pearl Harbor on December 7, 1941, many Navajos found employment in war related industries. Some became migratory farm workers, helping to harvest fruit and vegetable crops in Texas, Arizona, Colorado and Utah. Others worked during the war years in war plants and industries in the large industrial centers along the west coast. By 1945, the Indian Service estimated that 10,000 Navajos were employed in some type of war related work.

The Navajos also took an active part in the actual fighting of the war with 3,600 Navajos serving in the Army, Navy and Marine Corps. This number included at least a dozen Navajo women who served in the Womens' Army Corp.[3]

The active participation and support of the war effort by the Navajo people surprised many people who were not familiar with the **Diné**. Many of these people had not expected the Navajos to rally in support of the federal government and its war effort, especially after the unpopular stock reduction programs on the reservation. The general feeling among the Navajos, however, was that these were two different things. The stock reduction programs involved only the Navajos; the war involved everyone. The nation was under attack; the Navajos could do no less than help.

Before World War II actually involved the United States, the government began preparations for the nation's defense. In 1940, the Selective Training Act was passed. This act required all American men between the ages of twenty one and thirty five to register for the draft. On June 4, 1940, the Tribal Council expressed its support of the government's preparedness program by passing a unanimous resolution which stated:

> Whereas, the Navajo Tribal Council and the 50,000 people we represent, cannot fail to recognize the crisis now facing the world in the threat of foreign invasion and destruction of the great liberties and benefits which we enjoy on the reservation, and
>
> Whereas, there exists no purer concentration of Americanism than among the First Americans, and
>
> Whereas, it has become common practice to attempt national destruction through the sowing of seeds of treachery among minority groups such as ours, and
>
> Whereas, we hereby serve notice that any un-American movement among our people will be resented and dealt with severely, and
>
> Now, therefore, we resolve that the Navajo Indians stand ready as they did in 1918, to aid and defend our government and its institutions against all subversion and armed conflict and pledge our loyalty to the system which recognizes minority rights and a way of life that has placed us among the greatest people of our race.[4]

For the Navajos, registration under the Selective Service Training Act took place in October 1940. The Indian Office, in an attempt to ease the burden of traveling long distances to one central registration point on the reservation, set up one hundred and twenty five registration places around the reservation. This attempt to ease the registration process failed to make it easier for many young Navajos. Many were confused about why they had to register. Some know little or nothing about the threat of war from Europe and Asia. Others felt this must have something to do with the government's stock reduction programs. It was the isolation and general distrust of the federal government and not cowardice that kept many Navajos from registering for the draft. Some wandered in long after the official registration day, while others had to be forced by threats of arrest before they would register.[5] A large number, old and young alike, arrived at the registration points on horseback, carrying revolvers and rifles, asking where the enemy was. They had come, ready to fight.

Following the Japanese attack on Pearl Harbor, actual induction of Navajo men into the armed forces began on a wartime basis. The students at Fort Wingate School who belonged to the New Mexico National Guard were the first Navajos to be inducted into the armed forces.[6] Unfortunately, not all who wished to fight got the chance to do so. The results of tests given by the military revealed serious health and education problems among the Navajo draftees. One out of every ten Navajo men tested had defective hearing.[7] Nine per cent had tuberculosis and others showed the effects of rickets brought on by the lack of Vitamin D when they were children. This disease caused defective bones which made these inductees unfit for military service. At least eighty-eight percent of the Navajos tested could neither read nor write in English. The lack of educational facilities on the reservation was clearly revealed by the high percentage of draftees who were rejected because of illiteracy, and many of those inducted were required to take lessons in reading and writing as part of their basic training.[8]

Those who were accepted did their part as did most of the Navajo people who remained on the homefront to work in war industries or who supported the war effort in their own patriotic way. As the Navajos became adjusted to the new wage work ideas, they began to take part in the war bond drives which swept across the nation. On the reservation, the sale of war bonds to the Navajos was outstanding as the Navajo people loyally supported their country and its war effort.

Navajo servicemen served in all branches of the armed forces and in both the European and Pacific theaters of war. One of the best known actions involving the Navajos was that of the code talkers. The idea of using Navajo servicemen who could speak both English and Navajo as a means of sending military communications came from Philip Johnston, a civil engineer from Los Angeles. Johnston, son of a Methodist missionary, William Riley Johnston, had grown up on the reservation and had learned to speak Navajo fluently. Johnston introduced his plan to use Navajos and the Navajo language to set up a code which the enemy could not interpret or break. Following a demonstration of this idea to the military signal corps, the plan was accepted. Thus began one of the most interesting phases of the World

Many of the Navajo people proudly supported the war effort by buying war bonds.

(Photograph by Milton Snow, Courtesy Museum of New Mexico)

War II drama, the use of the Navajo "secret weapon", a military code based upon the complex Navajo language. This code, used in both the Pacific and in Europe, was never broken by the enemy. A total of 540 Navajos enlisted in the Marine Corps and 420 of them qualified as code talkers.[9] The story and personal recollections of many of these Navajo code talkers is to be found in Doris Paul's book *The Navajo Code Talkers.*

War on the Homefront

The war greatly affected both the economic and social life of the reservation. As the war intensified, the Bureau of Indian Affairs, without its prewar funds, began cutting back its programs and personnel. Many Bureau personnel left the Indian Service to enter the armed forces, causing the Bureau to begin shifting its people to handle only the most important activities on the reservation. The Bureau also informed the Navajo Tribal Council that it

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would now have to start taking over many of the programs formerly handled by the Indian Service.

The Grazing program was one of the reservation projects which suffered during the war years. Range Riders were dismissed because of the lack of funds and District Supervisors had to take over these and other jobs within the Range Management Districts. The need for more wool to help in the war effort led to the keeping of special grazing permits until 1945.

The question of stock reductions, long a burning issue in Tribal Council meetings, slowly became of secondary important as the Tribal Government began to plan for long-range programs on the reservation. These long-range plans were based on surveys taken among the people to determine what the majority felt were the most important needs on the reservation. These long range programs would, it was hoped, help provide jobs for returning Navajo servicemen as well as other Navajos on the reservation.

The war years caused many changes in the Navajos' way of life. New social and economic changes were felt throughout the reservation area. Before the war, few Navajos acquired marriage certificates or had their marriages recorded. Most Navajos still following the traditional method of choosing a mate and getting married without informing any officials of the fact. Some still practiced polygamy, although this custom of having more than one wife had been banned by the Bureau of Indian Affairs since the late 1800's. The Tribal Council finally passed a resolution prohibiting plural marriages, as the side effects of the war now made this impractical. Servicemen's benefits to dependents and allotments to wives now required a valid marriage certificate. Marriages performed by medicine men were not recognized unless a marriage certificate was also filed. In the case of plural wives, only one allotment could be made, as only one marriage certificate could be issued.[10] The practice of polygamy began to be a thing of the past.

The war also affected the silversmithing trade. During the war years, the federal government placed a freeze on all silver because of the shortage of metal. This freeze resulted in putting many Navajo silversmiths out of business because they could no longer get materials to work with. Arrangements were finally made to get sterling from several New York wholesalers in order to keep Navajo silversmiths employed. Since that time, Navajos silver jewelry has generally been made from sterling silver rather than from Mexican coin silver.

Health care for the Navajos on the reservation also suffered from the effects of the war. Medical services, always inadequate on the reservation, tended to become even more so during the war years. Many reservation doctors left to enter military service, leaving the eight general hospitals located at Shiprock, Tuba City, Chinle, Ft. Defiance, Leupp, Tohatchi, Crownpoint and Ft. Wingate, seriously understaffed.

In 1941, a measles epidemic swept across the reservation. Few children had any immunity to the disease and the schools were hardest hit. The boarding schools tended the sick children in their infirmaries, but day school children were free to travel between the schools and their homes. As a result, the disease spread rapidly. It is not known how many Navajos died during this epidemic.[12] Those who died were quietly buried in the traditional way. No cemeteries existed on the reservation during this time because of traditional Navajo fear of the dead. Later, the Tribal Council established a cemetery for the war dead, between Ft. Wingate and Ft. Defiance, and the idea of cemeteries slowly became an accepted part of modern Navajo life.[13]

The war also brought about the system of rationing in the United States. Goods needed to help win the war were now in short supply for the general public. Ration books were issued to the American people and certain types of goods could be purchased only with coupons from these ration books. These ration books were also issued to each Navajo family, who had to register in order to get scarce items. The issuance of these ration books helped give the government a better idea of the Navajo population. The results showed that the Navajos had the largest percentage of school age children of any ethnic group within the United States.

Unfortunately, the number of school age children greatly exceeded the number the schools could accomodate. During the 1940's there were ten Navajo school districts on the reservation, with a total of 57 Navajo schools. Forty-eight of these were day schools and nine were boarding schools with an enrollment of 200 to 600 students each.

Education, the 1940's

The war brought new problems to the reservation school programs. With the rationing of gasoline and tires, needed for the war effort, the school bus transportation system broke down completely. Teachers left the schools to serve their military duty or to work in war industries. Few qualified replacements could be found and Navajo assistants who held high school diplomas and could speak Navajo took over the classes in an effort to keep the schools open. These assistants, after a year of teaching and supervision, received regular teacher's salaries. They did an outstanding job, and many went on to acquire certificates after the war. Even with this effort, by 1946, nineteen day schools had been closed. The boarding schools on the reservation suffered in much the same way. Only the valiant efforts of many Navajo parents, who provided food and donated their time as dormitory helpers and maintenance workers kept some of the schools open.[14]

The lack of money and equipment to keep the reservation roads in usable condition, plus the shortages of gasoline and tires for the school busses, helped bring about a new plan for providing education to Navajo children on the reservation. This new plan, known as the Community School Experiment, began before 1941. The community school plan called for students who normally would have ridden busses to school to now live at the school. These community schools were not to be supported by the federal government as were the regular boarding schools. Parents in each community were to be responsible for providing a place for the children to stay. The parents were to also provide bedding for their own children and help pay for a dormitory mother to take care of the children during the school week. Several communities began using the plan and the school children were housed in hogans and in other facilities near the schools.[15]

The federal government was at this time completely opposed to boarding schools and the success of these semi-boarding schools was entirely the responsibility of the parents in each community. Some of these community schools were successful, others were not. The successful ones clearly demonstrated the desire of the parents to prevent the closing of day schools in their communities and the changing attitudes of many Navajos toward the idea for schools for their children. These community schools also offered valuable services to the adults of the community. Bathing facilities, drinking water, first aid and other services were to be found at the schools.

The regular boarding schools on the reservation continued to operate in much the same manner as they had during peacetime, although the amount of money alloted for each boarding school student was only $300 per year.[16] Poor planning in preparing the budget for reservation schools in earlier years, plus the shortage of new funds because of the war, seriously hurt the education programs on the reservation. No help with additional money for Navajo education was provided by the states of New Mexico and Arizona. These states felt that Navajo education was the responsibility of the federal government as the Indians were legally wards of the government.

Before and during World War II, most boarding schools were in some ways self-supporting. Every boarding school tried to operate school farms to help feed the students who attended school there. The students worked on these farms as part of what was called vocational training. The major vocational high school for Navajos was the Charles H. Burke Vocational High School which was started in 1925 when the school acquired some old military buildings from the U.S. military. This school later was given its present name of Ft. Wingate.[17]

The Shiprock Boarding School raised its own hogs, chickens, apples, peaches and general garden produce. The school farms were in the area where the present day Shiprock High School campus is located. The Shiprock Boarding School as well as the Tuba City Boarding School had only small high school departments during this period and offered the boys such vocational electives as woodworking, agriculture, and silversmithing. The girls could choose vocational electives such as rug-weaving and home economics.[18]

The war also took its toll on high school students. Many left before they graduated. Some left to get jobs, while others were either drafted or volunteered for the armed forces.

Other Changes

A new program was started on the reservation during the early war years to introduce Navajo as a written language to the People. Work had been done earlier to produce a written Navajo alphabet. Now books, pamphlets and other materials began to be published in Navajo and short classes were held to teach Navajo adults to read in their native language. Some controversy arose because of those who felt that learning English was more important to Navajo progress than learning to read or write the Navajo language.

Few Navajo language materials were available to the average Navajo who wanted them. However, as the idea of using materials written in Navajo became more widespread, attempts were made to provide them.

In 1943, **ADAHOONÍLÍGÍÍ** , a Navajo language newspaper on current events began publication. This monthly newspaper began its operation under the direction of an editorial staff made up of George Boyce, director of Navajo schools; William Morgan, Navajo interpreter and linguistics specialist; Robert W. Young, specialist in Navajo language; and Hildegard Thompson, supervisor of Indian Education. This one page newspaper, selling for three cents a copy or twenty-five cents a year, was short lived and publication came to an end in April, 1944. The paper was revived in July, 1946 and continued publication until 1956.[19]

The war years of the early 1940's also saw the beginning of welfare services on the Navajo reservation. Ruby Tomlinson and Bess Trowbridge became the first welfare workers. No great progress was made in the area of providing social services to the Navajo during this period because of a lack of money from the Bureau of Indian Affairs in Washington, D.C.

Post War Problems

Even though the war years between 1941 and 1945 brought problems to the reservation, most Navajos experienced a quickening in their way of life. The war in general opened up the reservation to many new ways. The rug and jewelry business which had earlier shown a spurt of growth, now declined as many weavers and silversmiths turned to wage work which brought in more money in a shorter length of time. Money in the form of allotment checks to soldiers' wives and families began coming to the reservation. Navajo men and women who worked in war plants also sent money back home and wage work opportunities began to grow on and around the reservation.

The increased activity brought on by the war had more than just an economic affect on the lifestyle of many of the Navajo people. Many of the traditional ways, including some of the ceremonials began to change during the war years.[20] Changes, both good and bad, were now occurring in Navajoland.

The end of the war in 1945, brought a sudden jolt to the accelerated war time conditions on the reservation. With the war over, the defense plants began to slow production and eventually closed or changed over to production of peace time goods, using fewer workers. Thousands of Navajo workers now began to drift back to the reservation. They came in modern dress, experienced in the ways of large cities and the need for and use of money. Now these workers, along with returning servicemen, came back to the reservation with its basic livestock economy where few opportunities awaited them. They had lived in the outside world and had adjusted their lives to it. Now they would have to readjust to the old way of life. Many found themselves either unable or unwilling to make this adjustment. Outside the reservation they had learned the value of an education and many had experienced problems with the English language. Education now became an important goal to these Navajos. This, plus the fact that eighty percent of the Navajos drafted for the army had been rejected because of their inability to read or write in English,[21] now brought about an increased demand for more schools for the Navajos. In 1946, there were approximately 20,000 Navajo children of school age, and less than 6,000 of these were enrolled in any type of school.[22] Earlier, many Navajos had resisted the ideas of schools for their children. Now they demanded them.

Funds for education were still unavailable but efforts to get more new schools and to reopen and remodel those closed during the war continued. In 1945, education funds were cut even lower during the middle of the school year. Navajo students who could not speak English were refused at the mission schools. The border town schools which had dormitories for Navajo students now required these students to pass classes designed for non-Indian students. Students who failed were discouraged from attending the school the next year.

Several boarding schools suffered from a lack of funds to maintain the aging buildings, now condemned because of safety standards. The Shiprock High Boarding School was condemned in December 1944 and closed its doors. Plans were made for new buildings at Shiprock, which would include elementary, junior high and senior high schools. These were completed during the 1950's. The Leupp, Chinle, and Tohatchi schools were also condemned and by 1946, 15,000 Navajo children were without an opportunity to receive an education.[23]

Attempts to set up adult education programs for returning Navajo servicemen met with the same answer that had been given to the regular Navajo educational program, "No Funds Available".

Education Opportunities On The Reservation: 1945-1950

On March 15, 1945, John Collier was replaced by William A. Brophy as Commissioner of Indian Affairs. Collier, during the controversial years of the 1930's and early 1940's, had greatly influenced the types of educational programs on the Navajo reservation.

Before Collier had taken office, most educational opportunities for Navajo students had depended upon government boarding school both on and off the reservation. These boarding schools attempted to carry out the theory of assimilation and acculturation held during this period, and made the erasing of native customs, language and dress part of their educational goals. Vocational work programs at the schools, also passed as part of the education process. These boarding schools were unpopular with most Navajo parents who either did not understand how an education would help their children or who were opposed to sending their children so far from home. Under these conditions, few Navajos received even a basic education and the majority, tied to the isolated reservation with its depressed economic conditions, remained illiterate.

Following his appointment as Commissioner of Indian Affairs, John Collier began a series of steps to end the boarding school concept. Collier's proposal that day schools on the reservation be provided for the Navajo became an accomplished fact during the 1930's. These day schools, along with a few boarding schools, made up the school system on the reservation.

The turning point of World War II and the realization by the Navajo people of the need for educational opportunites for their children brought the Tribal Council into action. In its dealings with Washington, the Council stressed that providing an education for Navajo children was now of primary importance. Article VI of the Treaty of 1868 had promised schools for the Navajos. It was now time to carry this promise out, not partially, as in the past, but on a scale that would place the Navajos on the same level as other United States citizens.

In May 1946, a delegation of Navajos headed by Tribal Chairman Chee Dodge traveled to Washington, D.C. to lay the problems of shortages of schools, roads, health services and the pressures of livestock reductions before congressional committees, the Secretary of the Interior and the Commissioner of Indian Affairs.[24] The delegates' reports were well received, but in the area of education, the years of neglect and disinterest seemed an almost unsurmountable problem. Yet, the Navajos were determined and optimistic that their goals could and would be reached.

The Navajos' demands had come at a time when the new Commissioner, William Brophy, had promised to lower the congressional appropriations for the Navajo people. Now funds were lowered just as increasing numbers of Navajo students flocked to the existing reservation schools, which were outdated and too few to handle the number of students who tried to enter. Reservation roads over which school buses had to travel were unpaved and because of a lack of money to repair them, they were literally impassable

281

during periods of bad weather. The fight over funds, boarding school versus day schools, and the lack of adequate roads on the reservation caused a continual battle within the Bureau and among those individuals interested in Navajo education.

As this battle raged, Commissioner Brophy began to lean toward using the existing day schools on the reservation and improving the bus roads rather than building dormitories at them and making them into boarding schools. However, before any action was to be taken, more information was needed on actual educational conditions on the reservation. In order to obtain this information the Bureau, in 1946, hired Dr. George Sanchez, Professor of Education at the University of Texas, to study the school needs of the Navajos. Dr. Sanchez, an authority on rural education, was instructed to survey the Navajo day schools and give his recommendations on whether they should be operated as boarding schools, day schools or on a half day school basis.[25]

The results of Dr. Sanchez's four week survey showed that at least sixty-six percent of the Navajo population had no schooling at all and that the average number of school years for the Navajo tribe was less than one year. This was in contrast to 5.7 years for the national Indian population and 8.4 years for the United States population as a whole.[26]

Based on this survey, Dr. Sanchez recommended that each of the Navajo Reservation's ten school districts have a coordinated school system. This system would be made up of one central secondary school with boarding facilities. Community elementary schools would be scattered throughout each district and would operate on a day school basis. Boarding facilities would be necessary at those community schools where it was impossible to operate on a day school basis.[27]

This school plan would cost an estimated $90 million dollars and would take care of only seventy five percent of the 1946 school age population. Future building programs would be necessary to provide for increases in the school age population. Older students would have to continue their education in off reservation schools.[28]

The Bureau of Indian Affairs was still divided as to the best method of providing education to the Navajos and as a result, they refused to publish the findings of Dr. Sanchez. The Sanchez Report did not become public until 1948, when it was independently published under the title *The People-A Study of the Navajos.*

During the same period that the Sanchez Survey was being conducted and later debated, Dr. George A. Boyce, Director of Navajo Schools, carried out his own survey of education problems on the reservation. Dr. Boyce noted that the construction of day school plants on the reservation would be limited by the availablility of water in some areas of Navajoland.[29] This conclusion on the water resources, while it did present problems in some areas, led to undue caution on the part of many planning committees on building reservation schools in later years.[30]

Dr. Boyce's recommendations toward solving the lack of room for Navajo school children in 1947 included the ideas of using border town schools for Navajo students over twelve years of age. Dr. Boyce suggested that the government build semi-permanent dormitories for Navajo students in these border towns and pay for the construction of new classrooms for those public school which ran short of room because of added Navajo students. These classroom additions would then become part of the border town public school system and would be maintained and operated by the public school district. The federal government would also pay these public school districts for the cost of the educating the Navajo children who attended school and boarded there.[31]

Parts of the recommendations of both Dr. Sanchez and Dr. Boyce were later included in a report by Secretary of the Interior, Julius A. Krug. The Krug Report, entitled *The Navajo- A Long-Range Program for Navajo Rehabilitation,* became the basis for the Department of Interior's proposed legislation sent to the Congress in 1948. It eventually led to the passage of Public Law 474, The Navajo-Hopi Long Range Rehabilitation Act in 1950.[32]

The problems faced by the Navajos because of the depressed reservation economy and in the areas of health and education, continued until these conditions were brought to the attention of the American public.

Footnotes

[1] Doris A. Paul, *The Navajo Code Talkers* (Philadelphia: Dorrance and Company, 1973), pp. 2-3.

[2] Donald L. Parman, *The Navajos and the New Deal* (New Haven: Yale University Press, 1976), p. 282.

[3] Ruth Underhill, *The Navajos* (Norman: University of Oklahoma Press, 1956), p. 242.

[4] Paul, *loc. cit.*

[5] Parman, *op. cit.*, pp. 281-282.

[6] Hildegard Thompson, *The Navajos' Long Walk for Education* (Chinle, Arizona: Navajo Community Press, 1975), p. 73.

[7] George A. Boyce, *When the Navajos Had Too Many Sheep: The 1940's*'San Francisco: The Indian Historian Press, 1974), p. 130.

[8] Thompson, *op. cit.*, pp. 73-74.

[9] Paul, *op. cit.*, pp. 7-100.

[10] Underhill, *op. cit.*, pp. 243-244.

[11] Boyce, *op. cit.*, p. 102.

[12] *Ibid.*, pp. 102-104.

[13] Underhill, *op. cit.*, p. 246.

[14] Boyce, *op. cit.*, pp. 113-116.

[15] *Ibid.*, pp. 114-115.

[16] *Ibid.*, p. 109.

[17] *Ibid.*, p. 95.

[18] *Ibid.*, pp. 94-95.

[19] *Ibid.*, p. 125.

[20] Underhill, *op. cit.*, p. 245.

[21] Thompson, *op. cit.*, p. 73.

[22] *Ibid.*, p. 86.

[23] Boyce, *op. cit.*, p. 145.

[24] *Ibid.*, pp. 171-173.

[25] *Ibid.*, pp. 166-167.

[26] Robert Young, *The Navajo Yearbook, 1951-1961* (Window Rock, Arizona: Navajo Agency, 1961), p. 14.

[27] Boyce, *op. cit.*, p. 169.

[28] Young, *op. cit.*, p. 15.

[29] *Ibid.*

[30] Thompson, *op. cit.*, p. 78.

[31] Young, *loc. cit.*

[32] *Ibid.*

Chapter 20

THE POST WAR YEARS

World War II and its aftermath proved to be another major turning point in the lives of the Navajo people. The great changes which occurred after the war were made only after years of suffering from poverty and disappointment. The war years had brought the outside world into clearer focus, only to have it began to fade away when the war ended. It was then that the Navajos began to seek the advantages of the modern world. Once the Navajo people decided to enter this modern world, they began a period of dazzling progress which is still under way.

The years immediately after World War II found the Navajos settling again into a period of hard times and few opportunities. This period appeared worse than others because it had been preceded by increased economic activity on the reservation due to the war.The problem of little or no income for many Navajos soon became quite serious. Stock reduction and grazing permits were still in existence and the New Deal programs which had brought needed wage work to the reservation were now gone. The small amount of emergency relief which was available did not always provide enough to cover the needs of many poverty stricken families. Almost no industry existed on the reservation to employ the Navajos who now found themselves in a "reservation depression" while the rest of the nation entered into the relatively prosperous postwar period of the late 1940's and early 1950's.

The seriousness of the problems facing the Navajos on the country's largest Indian reservation soon became well publicized. At the national level, the economic plight of American Indian tribes was brought out during the 1948 Congressional considerations over accepting the Marshall Plan, which called for economic aid to help rebuild war torn European countries. Critics of the Marshall Plan strongly objected to sending economic aid to Europe when there were Americans, especially American Indian groups, who were in desperate need of economic help at home. Stories dealing with the problems faced by American Indians soon began appearing in national magazines and news articles. The winter of 1947-1948 had brought severe snow and ice storms to the Navajo Reservation and the mass media had picked up the story of hardships and death experienced by the Navajo people. The long existing problems, which had been hidden below the surface of wartime activities, now became increasingly obvious to the outside world. The Navajos needed help.

Help for the Navajos

In the late 1940's, surveys of economic conditions on the reservation brought not only Congressional investigations, but Red Cross, civic, religious and private aid to the Navajos. Food, clothing and Congressional acts became a reality as the country responded to the plight of the nation's largest Indian tribe. Immediate economic assistance as well as plans for increasing employment on the reservation led to the establishment of a welfare branch and employment office at Window Rock, Arizona.

A survey by Max Drefkoff, an industrialist consultant, was made in 1948 to determine the industrial and natural resources for tribal enterprises of different kinds to be established on the reservation. Other surveys in the areas of education and general services were carried out by the Department of the Interior and the Indian Affairs office. Much of the information collected by these surveys was later used to help prepare the necessary Congressional legislation to aid both the Navajo and Hopi Indian Tribes.

In December 1947, the United States Congress had responded to the immediate needs of the Navajo and Hopi Indians by passing Public Law 390. This act called for the appropriation of two million dollars for immediate relief on the two reservations. Public Law 390 also instructed the Secretary of the Interior to prepare recommendations for long range rehabilitation of the two tribes. Acting upon the instructions of Congress, Julius A. Krug, the new Secretary of the Interior, who had replaced Harold Ickes early in 1946, made a historic trip to the Navajo Reservation to observe first hand the conditions there. Krug became the first Secretary of the Interior to visit the Navajo Reservation.[1]

On March 16, 1947, Secretary Krug issued his report entitled *The Navajo-A Long Range Program for Navajo Rehabilitation.* Krug's recommendations called for an appropriation of ninety million dollars to finance a program to help the Navajo and Hopi Tribes reach a level comparable to non-Indians living in the rest of the country.[2]

Congress acted upon Krug's recommendations and passed an act which was later vetoed by President Harry S. Truman. Truman's veto was based on an amendment placed in the act by New Mexican Representative Antonio Fernandez, which would extend state courts, laws and police jurisdiction over the reservation. President Truman maintained that this amendment would have the effect of destroying tribal government and those peculiar laws and customs which applied only to the Indians from their traditional culture.[3]

Congress passed the act again, minus the Fernandez Amendment, and it was signed into law on April 19, 1950. This act, known as the Navajo-Hopi Long Range Rehabilitation Act, included provisions for irrigation construction, industrial development, roads, communications, health, education, housing, and off-reservation employment, as well as funds for resettlement and relocation of Navajos to areas off the reservation, including the Colorado River Project at Parker, Arizona.[4]

The Rehabilitation Act also provided for Congressional recognition of the Tribal Council as the legal governing body for the Navajos. The Council itself, under the leadership of Chairman Sam Ahkeah and later chairmen, was not content to sit back and let others provide for the Navajo people. The Council took a firm hand in the programs being carried out under the Rehabilitation Act and prepared to make those necessary changes in its procedures to keep itself abreast of the modern world.

The Navajo-Hopi Long Range Rehabilitation Act- Education

The Navajo-Hopi Long Range Rehabilitation Act was a comprehensive program designed to pour $88,570,000 over a ten year period into projects on the two reservations. Education had been set as one of the top priorities by the Navajo Tribe and $25,000,000 was authorized by the act to be appropriated by Congress toward meeting the goal of providing universal education for the Navajo people. The education section of the Long Range Rehabilitation Act basically called for; (1) building either day schools or boarding schools to accomodate all Navajo school children; (2) providing elementary or vocational education for Navajo children twelve to eighteen years of age or at least three years behind in school; (3) providing opportunities for Navajo children to attend high school either on or off the reservation; and (4) providing for the public school systems to take over the responsibility of Navajo education as soon as possible.[5]

While the amount of money provided for education in the Long Range Rehabilitation Act was not enough to solve the education problems of the Navajo Nation, it was felt that it would help meet the needs of at least fifty-five percent of the existing school age population.

The first educational appropriation made under the 1950 Rehabilitation Act was for $10,442,800 to be used in a three year construction program to completely rebuild the Shiprock Boarding School which had been condemned and closed in 1944.[6]

One important construction program involved the changing of seven day schools to boarding schools, by building dormitories. The day schools were usable on a daily basis because of poor road conditions.

The first phase of adding new classrooms and remodeling outdated school buildings helped by adding 250 school seats, but the school age population continued to grow faster than the school construction program. Nearly one-half of the school age population still was unable to attend school because of a lack of school facilities. As the school construction program got under way, the arguments continued by Bureau officials over whether on or off-reservation school facilities were needed.

These problems created great concern among Tribal Council Delegates and on May 3, 1954, the Council passed a resolution which gave the

Teec Nos Pos Trading Post as it appeared in 1949.

(Photograph by Milton Snow, Courtesy Museum of New Mexico)

Commissioner of Indian Affairs blanket permission to take whatever steps he felt necessary to solve the problem. Thus began a crash program known as the Navajo Emergency Education Program, to provide more school space for Navajo children in the shortest possible time.

Navajo Emergency Education Program

The Commissioner's first action was the appointment of a committee to develop a program and establish the goals to be met. The major goal was to provide additional school seats for 7,840 Navajo children by September, 1954. If this goal was accomplished, it would raise the number of Navajo children in school to 22,000.[7]

The emergency plans developed by the committee included the use of any available space at existing schools for classrooms. Recreation rooms and dining halls were to be converted into classrooms along with the use of thirty-seven trailer schools. By using these plans, along with the already

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existing school construction program, it was hoped that the goal of providing an education for all six to twelve year olds on the reservation would be met. By September, 1954, the number exceeded the original goal of 7,841 students by almost 1,000. These emergency measures had, however, created a problem of overcrowding and 5,000 Navajo children still remained out of school because there was no room for them.[8]

The NEEP program had managed to raise the number of Navajo children enrolled in school from 56.7 percent in 1953, to 81.9 percent in 1954.[9] By 1958 the number had increased by only 6.7 percent because the school age population continued to increase.[10] By 1959, only an estimated 4,000 children remained out of school compared to 10,000 in 1954. This number would increase steadily, though, if something were not done. The school construction program was too slow and the projected school age population census was too low. Construction of schools off the reservation continued during these years and more Navajo students were going to upper level schools off the reservation. In 1959, Ft. Defiance Boarding School closed because of poor conditions and construction of a new boarding school was started at Albuquerque. This off-reservation building program caused many Navajo parents to complain that if schools could be built off the reservation, they could also be built on the reservation. By 1960, the basic school shortage problem had been eliminated. In a decade of frantic building programs and shuffling of students, the Navajo Nation and the Bureau of Indian Affairs had provided room for any student who wanted to attend school. Unfortunately, many of these emergency measures had created overcrowding and many school facilities were sub-standard.

After 1959, the providing of adequate school facilities was joined by efforts to upgrade the school staffs, both professional and non-professional. Also, nutrition standards were upgraded and efforts were made to improve guidance programs and classroom teaching techniques.

Special Navajo Education Program

Part of the goal of providing educational opportunities for all Navajo school age children was reached by the Special Navajo Education Program. This special program began in 1946 when active interest in providing an education for the Navajo people began to materialize. In 1946, forty percent of the Navajo students out of school were in their teens. Long range education programs and plans would take too long to help these older students, many of whom had never attended school. Almost all programs planned or existing at the time concerned the six to twelve year old age groups, leaving the thirteen to eighteen year old age group without a chance or hope of attending school.[11]

New construction of boarding schools for these older Navajo students would not be approved by the Bureau of Indian Affairs until spaces were filled at the already existing federal boarding schools. This problem led Dr. Willard Beatty, Director of Indian Education at the national level, to offer unused school space at Sherman Institute in Riverside, California, for these older students. Thus began a program which sent these older students to federal boarding schools located from Oklahoma to the west coast.[12]

A Special program under the guidance of Hildegard Thompson and George Boyce was started at schools such as Sherman Institute in California, Albuquerque Indian School in New Mexico, Phoenix Indian School in Arizona and Ft. Sill Indian School in Oklahoma, to help make up for the lost years of schooling for these older students. This special program included a five year curriculum to make these students employable when they completed the course. During the first three years, the students were to be instructed in basic academic subjects by an English speaking teacher and a teacher interpreter. Many students knew little or no English and the Navajo language was to be used for instruction and to explain difficult ideas until the student learned English. The fourth year was to be spent in vocational training and in the fifth year, the student was to be placed with an employer for on-the-job training.[13]

The idea of the Special Navajo Education Program that began at Sherman Institute eventually grew to include other federal boarding schools around the country. One of the largest off reservation Special School Programs was started in 1950 at Brigham City, Utah. In that year, the Bushnell Army Hospital was transferred to the Bureau of Indian Affairs who remodeled it into the Intermountain School. This school could accomodate 2,150 students.[14] Later, as the backlog of students was caught up, the special programs were ended and most schools reverted to regular school programs.

Public Schools on the Reservation

Part of the proposed education plan for the Navajos under the Long Range Rehabilitation Act called for transferring Navajo children to the public school systems as quickly as possible. Many Navajos felt that the public schools were better than the federal boarding and day schools. This attitude probably stemmed from the accommodation schools which had been set up on the reservation during the 1930's at Tuba City, Ft. Defiance, Mexican Springs, Toadlena and Crownpoint. These accommodation schools were public schools which had been set up for the children of non-Indians on the reservation who were not eligible to attend federal schools. These accommodation schools were carefully controlled and in areas where there were not enough non-Indian children to fill the school spaces, Navajo children were allowed to attend. However, these children were carefully selected and only English speaking Navajo students from the more acculturated families were allowed to attend. Because there was less of a language problem to overcome, these children seemed to make faster progress than Navajo students who faced a language barrier and who attended the federal schools.[15] This fact entered into the picture in the late 1940's when the Navajo Tribe began demanding more schools, including the demand that federal schools be replaced with public schools.

The States of New Mexico and Arizona refused to provide public schools for Indians living on non-taxable federal lands, feeling that providing an education for these Indians was the responsibility of the federal government.

Some aspects of public school education had been in existence since 1890 when the federal government began the policy to getting help from the states' public school systems in helping to educate the Indians. In those public school systems which accomodated Indian children, the federal government gave some aid. This aid was necessary because the state schools, which depended upon taxes to operate, could not carry the burden of educating Indian children who lived on tax-exempt reservations. This federal aid to public schools that educated Indian children was later spelled out under the Johnson-O'Malley Act passed on April 16, 1934 and amended in 1936. Under this Act, the Secretary of the Interior was given the authority to arrange by a contract system, for education, health attention and social welfare with the states and territories. In this manner, many Navajo students along the borders of the reservation enrolled in off reservation public schools which received Johnson-O'Malley Funds.[16]

The Navajos' demand for public schools on the reservation led to a survey by New Mexico officials concerning the possibility of operating public schools on the reservation in 1946. The New Mexico team, following a conference with Arizona officials, concluded that it was not possible for the states to operate public schools on the reservation. The lack of an adequate road system to bus students to school, and the distances the students lived from the schools, made state public school systems impossible. This same conclusion was reached following another survey in 1949.[17]

In 1950, two pieces of legislation passed by Congress opened the doors to the beginning of public schools systems on the Navajo Reservation. The first of these, Public Law 815, became law on April 23, 1950. Public Law 815, originally designed to provide federal aid in school construction on non-taxable military property, was interpreted to also apply to non-taxable Indian reservations. This interpretation opened the way to federal aid in building public schools on the Navajo Reservation.[18]

The second Act, Public Law 874, was again originally designed to provided federal funds to schools based upon the number of children whose parents lived and/or worked on federal non-taxable property. This act, like P.L. 815, was interpreted to apply to Indians who both worked and lived on reservations which were considered federally controlled property and thus non-taxable. As a result of these two acts, public schools on the reservation could be funded for both construction and operation and could receive the maximum funds available under the two laws.

Following the passage of these acts, public schools were opened at Mexican Springs and Church Rock, New Mexico, and two were opened in Arizona at Sawmill and Window Rock. Applications for construction and operating funds under these two laws were also approved by Washington for public schools at Ft. Defiance and Ganado, Arizona in 1952. Federal funds were withheld on these two projects however, because of an Arizona law which forbad the building of public schools in the state without the voting consent of property owners within the school district. As the proposed schools were to be located on the reservation which was owned by the Navajo Tribe rather than individuals, the state law could not be complied with.[19]

It was not until 1954, when the Arizona law was repealed, that construction of public schools in the Arizona portion of the reservation were allowed to begin. Soon, large public schools were built at Tuba City, Chinle and Kayenta. By the 1960's public schools built with P.L. 815 funds were operating in twenty-two locations around the reservation. All except three of the fifty day schools on the reservation were absorbed by the public schools. In 1961, more than seven thousand Navajo students were attending these public schools. By 1973, twenty-nine thousand Navajo students were enrolled in public schools on the reservation. This was a great increase from the less than three thousand who were attending public schools in 1954, and certainly a far cry from the seventy-five who attended federal schools in 1892.[20]

Tribal Encouragement

The Navajo Tribal Council, in its goal of providing educational opportunities for all Navajos, worked closely with both federal and state officials. The Tribe's three member Navajo Education Committee, created in 1938 and increased to five members in 1957,[21] worked with the Bureau of Indian Affairs to set up a sound educational program on the reservation. The goals of this educational program included plans to: (1) build new schools on the reservation to provide for all school age children between the ages of six to twelve, or through the sixth grade; (2) reduce the overcrowding in classrooms and dormitories; (3) provide better quality education for Navajo students as well as better built and equipped school buildings; (4) involve Navajo adults in the school program and educate them as to their rights and responsiblities in managing the school programs through parent representatives on school boards, school projects and parent-teacher organizations.[22]

In independent action, the Navajo Tribal Council began providing tribal services to help further education on the reservation. The Tribal Council set aside $350,000 of tribal funds in 1954 to help purchase clothing for needy Navajo school children between the ages of six and fifteen. Thus began an annual clothing program which today is carried out by both the tribal government and Chapter Houses at a cost of almost one million dollars each year.

During the 1950's, the Council also set up a scholarship fund. This Higher Education Scholarship Fund, using $30,000 of tribal funds, was to be given to help Navajo students with tuition, room, board and book expenses at colleges and universities. In 1958, the fund was raised to $5 million and in 1959, it was increased again to $10 million where it remains at the present time.

During the 1960's, the administrations of both Presidents Kennedy and Johnson worked to provide additional funds for Navajos education. In April 1965, Congress approved Public Law 89-10. This Elementary and Secondary Education Act provided federal funds for public schools whose student enrollment came from low income areas of the nation. Public schools on the Navajo Reservation qualified for these Title I funds and as later additions were made to the act, Indian children attending federal schools were also included.[23]

Thus began a series of Congressional legislations designed to help improve the quality of Indian education through various branches of the federal government. The passage of such acts as the Vocational Education Act, the Economic Opportunity Act, the National School Lunch Program and the Higher Education Facilities Act all helped in some way to upgrade the educational programs on the reservation. Funds appropriated under these acts and administratered by different departments of the federal government were made available for educating Indian children in both public and federal Indian schools. These funds helped create such programs as Headstart, designed to teach English as a second language, the Youth Corps to provide jobs for Indian youth and other programs which provided for experimenting with curriculum changes which would meet the special needs of both Navajo adults and school age children.

In 1966, the Tribal Education Committee in an effort to involve more Navajos in the educational programs being carried out on the reservation, established four goals for Navajo Education. These goals included: (1) providing programs suited to the specific needs of Navajo students; (2) more involvement by parents and tribal leaders in the education programs; (3) distributing information about the types of programs being carried out on the reservation and reports on the progress of these programs; (4) helping in any way possible to make full use of funds provided by outside sources which would help the Navajo people.[24]

During this same year, an experiment was started in which several Navajo schools were placed under local community control. In Arizona, the Rough Rock Demonstration School opened under local control and began operating under a funding contract with the Bureau of Indian Affairs and Office of Navajo Economic Opportunity resources. Other community controlled school programs were also started at Ramah Navajo High School, Borrego Pass School and Rock Point Elementary School.

Adult education programs also began on the reservation during this period. In 1955, the Bureau of Indian Affairs started a literacy program on the reservation, but it was not until the late 1950's that this program was extended to adults. By 1959, adult vocational training programs were in operation and beginning to provide a much needed service to the Navajo adult population. In February 1961, the tribal government created a board to provide tribal vocational and adult education programs on the reservation.

Bilingual education also saw a comeback during the 1960's. The idea of using Navajo language materials in schools and elsewhere had appeared briefly off and on during the 1930's and 1940's, but due to criticisms by many Navajos and Anglos, the work in this direction ground to a halt. The idea was revived in the Special Navajo Education Program for educating older Navajo youths during the late 1940's and early 1950's, and by the 1960's it was again making its appearance in reservation schools. Today, many reservation schools have included bilingual and English as a Second Language programs in their curriculum.

Much progress was made in the 1960's in Navajo education. As the number of elementary and secondary schools increased, the need for higher education at the college level became apparent. Navajo students, funded by the Tribe's Scholarship Fund and other sources, increased their attendance at area colleges and universities such as Northern Arizona University at Flagstaff; Arizona State University at Tempe; the University of Arizona at Tucson; the University of New Mexico at Albuquerque; and Fort Lewis College at Durango, Colorado, as well as other centers of higher learning and specialized training throughout the nation.

The increasing numbers of Navajos seeking higher education led the Tribal Council in 1965 to investigate the need for a college on the reservation. This investigation quickly developed into definite action. Through funds provided by the tribe, ONEO and private foundations, Navajo Community College was founded in July, 1968. The first college classes began in January, 1969 in buildings shared with the Bureau of Indian Affairs at Many Farms, Arizona. A permanent 1,200 acre location for the new college was provided at Tsaile Lake by the tribe. In December 1971, Congress passed the Navajo Community College Bill which provided funds for the new college equal to those funds provided by the Bureau of Indian Affairs to other institutions which specialized in post high school Indian programs. These new funds provided for the beginning phase of construction, and in 1972, the college opened its doors for classes at its Tsaile campus, becoming the first Indian owned and operated institution of higher learning to be located on an Indian reservation. The college offered a variety of classes including studies in Navajo language, culture and history. Navajo Community College instructors also worked in adult education programs in surrounding areas and in mid

1974, NCC opened a branch college at Shiprock, New Mexico. On July 22, 1974, Navajo Community College received full accreditation by the North Central Association of Colleges and Secondary Schools. The College of Ganado, a multi-tribe Junior College operated by the Presbyterian church, is also located on the Navajo Reservation at Ganado, Arizona.

The increasing number of Navajo graduates from colleges and universities today stands in stark contrast to the estimated five in 1930 and fifteen in 1953.

The Navajo tribe has made astounding progress in the area of education in a relatively short period of time, with school enrollment reaching almost one hundred percent in comparison with the ten percent in 1900. At the present time, educational facilities stretch from pre-school to college. Adult education and vocational programs are offered in various areas of the reservation and special programs designed to meet the needs of handicapped and gifted children have begun to enter many reservation school programs.

Navajo school age children today are enrolled in public school systems as well as federal schools on and off the reservation. Many attend mission schools such as St. Michaels Mission in Arizona; Navajo Methodist Mission School in Farmington, New Mexico; Rehoboth Mission School, operated by the Christian Reformed Church; as well as church related schools operated by the Seventh Day Adventist, Church of the Brethren, Mennonites, Lutherans and Espicopalians.

Even though great progress has been made in the area of education, problems still exist as they do in any aspect of society that is determined to move forward.Yet, for all the problems, the Navajo people will, as they have in the past, meet these challenges in their attempts to offer the best educational opportunities possible for their children.

The emphasis on Navajo education beginning during the 1950's and continuing to the present time, also saw new emphasis being placed on other areas where help was needed for the Navajo people. The Long Range Rehabilitation Plan, coming almost ninety years after the Treaty of 1868, marked a definite beginning in the building of a new and modern economy on the reservation which would help bring the Navajo people up to the same economic level enjoyed by other Americans.

The 1950's marked the beginning of almost three decades of unparralled progress for the Navajos. A large part of this constant economic growth and social change on the reservation since the late 1940's has been due to the growing independence and leadership of the Navajo Tribal Government.

Modern Tribal Leadership

The 1938 election of Jacob Morgan as Tribal Chairman and Howard Gorman as vice-Chairman ushered in the modern period of the Navajo Tribal

Government. Since 1938, when the new rules for the Navajo Tribal Government were issued by the Secretary of the Interior, six men have served as Tribal Chairmen. During the war years between 1942-1946, Henry Chee Dodge served as Chairman with Sam Ahkeah as Vice-Chairman. The 1946 election saw a reversal of roles between these two men with Ahkeah being elected as Chairman and Dodge as Vice-Chairman. However, Vice-Chairman Dodge died before he could take office and the Tribal Council elected Zhealy Tso to fill this position.

It was during Ahkeah's first term as Chairman that Congress on August 13, 1946, passed a far reaching act designed to settle the long outstanding claims of Indian tribes against the United States Government. The Indian Claims Act provided American Indian tribes with a way to seek compensation for claims of lost land and resources because of past policies and actions of the United States Government, states and private citizens.

The Navajo tribe, acting according to the terms of the act, proceeded to hire an attorney to present the Navajo claims to the Indian Claims Commission which had been established to decide the claims cases. The Tribal Council on July 10, 1947, hired a Washington, D.C. attorney, Norman Littell, as the tribe's general counsel and claims attorney. The Navajo land claims, the largest and most complicated to come before the Claims Commission at that time, was filed with the Commission in 1951. The Navajo claim called for compensation for around 17 million acres of land taken in 1868 without due payment.

In 1970, the Claims Commission ruled in favor of the Navajo land claim. Determination of the amount of money to be paid the tribe, based on the value of the land in 1868, is still under consideration at the present time.

It was also during the late 1940's that the Tribal Council began a series of changes in tribal election procedures to bring itself up to date and make itself more representative of the people it served. One of these changes dealt with the election procedures for Tribal Council delegates.

The selection procedure for candidates to tribal offices had been established in 1938, with the use of colored ballots. This procedure allowed each candidate for office to choose a color and the voters picked the man of their choice by casting a ballot of that color on election day. This method did little to keep a person's choice a secret, and in keeping with the idea of a secret ballot, the Navajos worked to change this system.

Meetings were held with the Bureau of Indian Affairs in a drive sponsored by Scott Preston, Amos Singer, George Bancroft, Maxwell Yazzie, Max Henley, Mark Begay, Frank Bradley and others to improve the tribal government. These meetings resulted in a change from the use of colored ballots to the use of picture ballots. This change allowed the voter to make his selection of candidates for tribal office in greater secrecy than before and effectively provided for those voters who could not read or write.

These meetings also introduced a change in the method of selecting candidates. The seventy-four election communities were now permitted to send a delegate to the nominating conventions which chose candidates for Chairman, Vice-Chairman and tribal judge. This change allowed each election district to participate in selecting candidates for office and eliminated the need for voters to travel to the convention. Now they had only to instruct their delegates as to the candidate they wanted for each position. The new system would in effect give each election community an equal voice in the selection of candidates.

These new election proposals were endorsed by the people of the seventy-four election communities and was passed by the Tribal Council in the fall of 1950. The new election procedures were first used in the 1951 election which returned Sam Ahkeah as Tribal Chairman with John Claw as Vice Chairman. Claw, however, resigned as Vice-Chairman in 1952 and the Tribal Council elected Adolph Maloney to fill out his term.

By the mid 1950's, the Tribal Government was deeply involved in the Long Range Rehabilitation projects as well as the difficult job of creating a new economic base to partially replace the traditional livestock economy which could no longer provide for the total economic needs of a rapidly expanding population.

In the new atomic age brought in by World War II, the Navajo Reservation's natural resources were placed in great demand. The need for uranium, helium, natural gas and oil began to bring in large amounts of income to the tribe. The Tribal Council resisted efforts to divide these monies among tribal members, choosing instead to use the money for building the reservation economy and providing services to all the people. With this added income, the tribal government, which now included many formally educated men with business experience, began putting new programs into effect across the reservation.

In the 1954 tribal elections, Paul Jones was chosen as Chairman with Scott Preston as Vice-Chairman. The 1954 election also saw the beginning of the Navajo Tribe's involvement in politics at the national level. The majority of Navajos had been strongly against the Democratic Party since the stock reduction years in the 1930's when a Democratic administration was in office. During most of the decade of the 1950's, the Republican Party under President Dwight Eisenhower's leadership received the support of the many tribal leaders, especially Chairman Jones who was re-elected in 1958.[25]

This political support by both the Tribal Chairman and a majority of the Navajo people, brought extra federal benefits in the long struggle to upgrade the reservation's economy. These benefits included among others, federal appropriations for education above the amount already being poured into the reservation by the Long Range Rehabilitation Plan. The reservation also benefited in the area of health services. Acting upon advice from medical authorities and institutions such as the Cornell University Medical College as well as Indian leaders like Chairman Jones, the Eisenhower Administration transferred Indian health care from the Bureau of Indian Affairs to the U.S. Public Health Service in 1955. This transfer resulted in more medical doctors being made available as well as new and innovative programs for better health care on the reservation.[26]

In general, the period of the 1950's saw a tremendous growth in the reservation's economy. Reservation resources began to attract large corporations. With these and the Rehabilitation projects, the total income for the Navajos rose quickly. Wage work soon made up at least ninety-five per cent of the total income of the people and with money more readily available, the Navajos began to buy and enjoy many items which had been beyond the reach of most of them a decade before. This new demand for consumer goods in turn affected the type of merchandise carried by the trading posts on the reservation. They soon became a combination of modern supermarket and general store, providing the Navajo people with both time honored necessities and a wide variety of modern packaged foodstuffs.

Wage work coupled with advertising through Navajo language radio programs soon made the Navajo people an economic force, both on the reservation and in the border towns surrounding it. Automobile sales boomed and television antennas began to loom above many reservation homes. The Navajo people were now beginning to experience, and demand, the equal status and economic opportunities long held by other Americans.

In 1962 Raymond Nakai defeated Sam Billison in the race for Chairman of the Navajo Tribe. With Scott Preston as Vice-Chairman, the tribe continued to experience rapid economic and social changes. New federal legislation, designed to carry out President Lyndon Johnson's *Great Society* brought new programs to the reservation, especially those funded through the Office of Economic Opportunity. In August 1964, Congress passed the Anti-Poverty Bill, which gave the tribe an opportunity to set up community action programs on the reservation. In 1965, the Tribal Council passed a resolution creating the Office of Navajo Economic Opportunity which allowed federally funded OEO programs on the reservation to be specifically tailored to the needs of the Navajo people.

Under the direction of ONEO, many new programs were put into operation, such as day care centers for the children of working mothers; Headstart for Navajo pre-school children; alcohol and drug abuse programs, as well as other programs to help provide services for the Navajo poor on the reservation.

One program funded by ONEO in 1967, the Dinebeiina Nahiilna Be Agaditahe, or DNA, met with great controversy during its early years of operation on the reservation. This program, designed to provide legal aid to poor Navajos, experienced leadership problems in 1969, but has since that time grown in the number of locations as well as legal services offered to the Navajos.[27]

By 1970, ONEO had become a vital and important part of the reservation. In 1970, the former head of ONEO, Peter McDonald, was elected Chairman of the Navajo Tribe, with Wilson Skeet as Vice-Chairman. McDonald was reelected in 1974, again with Wilson Skeet as Vice-Chairman, and continued to lead the Navajo tribe toward its goals of economic growth, political influence and tribal self-determination.

Political Influence

As the leader of the nations' largest Indian tribe, living on the largest reservation, comprising 25,000 square miles and located in three states, the Tribal Chairman carries great weight and influence at both the state and national levels. Likewise, as the Navajo people have become better educated in the political process, their power as a political force has become more important.

The rapid increase in the Navajo population from an estimated 93,357 people in 1960 to the present Bureau of Indian Affairs estimate of 150,886 has had an important effect upon the political influence wielded by the Navajo people and the tribal government. In 1975, an estimated 83,000 Navajos were over eighteen years of age and eligible to vote in state and federal elections.[28] This, plus the fact that by the year 2000, the projected Navajo population is expected to reach 348,000, reveals the potential political power of the Navajo tribe. Both major political parties now carry out voter registration campaigns among the Navajo citizenry, and political candidates for public office at both the state and national level actively campaign for Navajo votes as well as tribal government endorsement.

The political influence of the Tribal Chairman has increased rapidly over the past two decades. Navajos have been appointed to both national and regional advisory boards, and top Bureau of Indian Affairs positions on the reservation are now being held by Navajos. The first of these appointments was made in 1971 when Anthony Lincoln, son of Murry Lincoln, a former Navajo Chief Justice, was appointed as the first Navajo Area Director of B.I.A.[29] Since 1975, when Congress passed Public Law 93-638, commonly referred to as the Indian Self-Determination and Education Assistance Act, all five of B.I.A.'s agency superintendent positions on the reservation have been held by Navajos. Also, other top B.I.A. jobs on the reservation are being filled by Navajos and as of 1975, of the total 5,875 B.I.A. employees on the reservation, seventy-five percent were either Navajos or of American Indian descent.[30]

The Navajo reservation is currently leading other Indian reservations in fulfilling the federal government's self-determination policy. In continuing efforts, the tribe is working toward a goal of phasing out B.I.A. control over certain reservation programs. Meanwhile, the tribe still relies upon the B.I.A. to handle many reservation programs through a contract system until the tribe is ready to assume complete control.

The tribe has also been working toward the goal of receiving federal funds for various programs directly from the federal government. Many of these funds are allocated to the States of New Mexico and Arizona, who then administer the programs on the reservation. By receiving direct funding, the tribe can by-pass state administration and control its own programs.

In recent years, mention has been made of possible future attempts by the tribe to change the status of the Navajo Reservation to that of a commonwealth or a state. However, the problems dealing with the loss of tribal sovereignty, taxation, loss of federal funds for many programs, along with the necessary expansion of the tribal government to handle programs presently run by state and federal agencies, make this goal appear unworkable at the present time.

Footnotes

[1] George A. Boyce, *When the Navajos Had Too Many Sheep: The 1940's* (San Francisco: The Indian Historian Press, 1974), p. 173.

[2] *Ibid.*, pp. 228-230.

[3] *Ibid.*, p. 240.

[4] Robert Young, *The Navajo Yearbook, 1951-1961* (Window Rock, Arizona: Navajo Agency, 1961), pp. 1-5.

[5] *Ibid.*, p. 15.

[6] Hildegard Thompson, *The Navajos' Long Walk for Education* (Chinle, Arizona: Navajo Community College Press, 1975), p. 120.

[7] *Ibid.*, p. 131.

[8] *Ibid.*, pp. 125-132.

[9] *Ibid.*, p. 137.

[10] *Ibid.*, p. 147.

[11] *Ibid.*, p. 88.

[12] *Ibid.*, p. 89.

[13] *Ibid.*, p. 91.

[14] *Ibid.*, p. 118.

[15] *Ibid.*, pp. 141-142.

[16] *Ibid.*, p. 142.

[17] *Ibid.*, p. 143.

[18] *Ibid.*

[19] *Ibid.*, pp. 143-145.

[20] *Ibid.*, p. 144.

[21] *Ibid.*

[22] "*Strengthening Navajo Education*", Division of Education, The Navajo Tribe (Albuquerque: Modern Printing Co., 1973), p. 3.

[23] Thompson, *op. cit.*, p. 149.

[24] *Ibid.*, pp. 168-169.

[25] *Ibid.*, pp. 164-165.

[26] Henry F. Dobyns and Robert C. Euler, *The Navajo Indians* (Phoenix: Indian Tribal Series, 1972), p. 81.

[27] *Ibid.*, p. 86.

[28] "Navajo Area Report" (Window Rock, Arizona: Bureau of Indian Affairs, 1975), p. 1.

[29] Dobyns, *op. cit.*, p. 90.

[30] "Navajo Area Report", *op. cit.*, vii.

Chapter 21

THE CHANGING NAVAJO SCENE

In the one hundred and ten years since their imprisonment on the Bosque Redondo Reservation at Fort Sumner, the Navajos and their reservation have undergone many changes. Yet, none have been as dramatic as those which have occurred in the last forty years. From an economy based entirely upon agriculture and livestock in the pre-1930's to the wage work of the depression years, the economy of the Navajo Reservation has expanded to include many other areas. Among these newer areas are those consisting of tribal enterprises and services as well as reservation industries owned and operated by off-reservation corporations.

The rapid growth of the reservation's economy since World War II has been basically the result of leadership, co-operation and funding from several sources. Tribal, state and federal officials and agencies have all worked together toward the goal of providing the Navajo reservation with a broader and sounder economic base.

Many of the tribe's programs have been made possible by the income from oil, gas and other natural resources which have been developed in recent years. During the period of the 1950's, the increased income from mineral resources made it possible for the Navajo Tribe to establish a number of small industries on the reservation as recommended by the Drefkoff Report in 1948 and the Navajo-Hopi Long Range Rehabilitation Act of 1950. These small experimental businesses, designed to provide both employment and vocational training for a small number of Navajos, met with little success. As a result, the tribe began to develop long range plans to encourage outside industry onto the reservation. The availability of vast natural resources and a plentiful labor force has brought many corporations to invest in reservation based businesses, especially the mining, oil and electronics industries.

These industries, as well as Tribal projects and businesses have been somewhat successful in providing wage work for many Navajos. Many of these outside industries and tribal enterprises have experienced problems in their operations, some serious, some minor. However, based on the tribal government and the Navajo people's past performances for overcoming adversity and obstacles, these problems will in most instances be solved.

The Reservation Oil Industry

Following the first "oil boom" in the 1920's, little progress was made in developing the potential oil resources on the Navajo Reservation until after World War II. The decade of the 1950's began with only 51 oil wells on the reservation and ended with 860 producing wells. This increased interest by oil companies in reservation lands, led the Tribal Council to attempt a basic change in its oil leasing policies. Before 1955, reservation oil leases were granted at public auction to the highest bidder. In July, 1956, the tribe, in an effort to bring in more money, proposed entering into partnership with the Delhi-Taylor Oil Company for developing reservation oil resources.[1] The Bureau of Indian Affairs rejected this plan, but allowed for changes in the way oil leases were granted. The tribe set up new oil regulations and the Tribal Council was given the authority to grant leases to the best, but not necessarily the highest bidder as in the past. Oil companies were also obligated to pay individual Navajos for lost property rights on the oil lands.

By 1964, the number of producing oil and natural gas wells had risen to over 1,000 and oil royalties of about $1 million each month poured into the tribal treasury. The tribe's income from oil and gas leases and royalties has increased in recent years because of the "energy crisis". Recent estimates have placed the oil reserves on the reservation at around one hundred million barrels, with natural gas reserves being estimated at over twenty three billion cubic feet.[2] As the tribe controls all its own lands and mineral rights, both present and future income from its oil and natural gas resources should prove invaluable in helping carry out tribally funded programs and services for the Navajo people.

In other areas, the tribe has made remarkable progress in assuming responsibility for and successfully carrying out programs and services previously handled by the federal government. As the tribal government gradually replaces the Bureau of Indian Affairs in these areas, the Navajo's goal of self-determination and self-sufficiency appears more reachable.

Economic planning for the Navajo Reservation actively began in 1962 as part of the Area Redevelopment Act. Under this act, the tribal government created an Overall Economic Development Program for the reservation and placed the Tribal Council's Advisory Committee in charge of deciding what economic proposals were best suited to the needs of the Navajo people. When the Economic Development Act replaced the Area Redevelopment Act in 1965, the Advisory Committee continued its responsibility for the reservation's economic programs. In 1971, an Economic Development and Planning Committee was established to help the Advisory Committee in studying proposals for economic development on the reservation. In 1972, the tribe established an Office of Program Development to plan and carry out the economic development programs on the reservation.

Plans for the economic development of the reservation have constantly been updated since 1962, and a ten year plan has been set up in an effort to meet the tribe's economic goals. At the present time, the programs and services in operation on the reservation are being carried out jointly by the Navajo Tribe, the Bureau of Indian Affairs, the Indian Health Service and the Office of Navajo Economic Opportunity.[3] Current programs and services on the reservation cover a variety of areas designed to meet the economic and social needs of the Navajo people. These major areas include mining; agriculture and foresty; industry and commerce; transportation, communications and utilities; public services and tourism.

Mining

Since 1965, the tribe has begun programs to develop other reservation potentials, including the mining of coal, uranium and other minerals. Great deposits of coal are to be found on the reservation and large quantities are mined daily to produce electricity at power plants located on and off the reservation. Coal mines in operation at the present time include; Utah International's Mine near Fruitland which provides coal for the Four Corners Power Plant south of Nenahnezad; the Peabody Coal Company's Black Mesa Mine which provides coal for the Navajo Generating Station near Page, Arizona and for a generating plant in southern Nevada. A small strip mine is also in operation near Window Rock, Arizona.

The energy crisis of the 1970's has brought greater interest in reservation coal resources and the tribe is currently studying proposals to build coal gasification plants on the reservation in the Burnham-Bisti area. These proposed plants must, however, meet the requirements set up by the tribe's Environment Protection Commission which has the responsibility for safeguarding the quality of life on the reservation.

At the present time, the coal reserves on the reservation are estimated to be over two billion tons, plus other deposits which might exist but have not yet been confirmed.[5]

Uranium deposits are also located on the reservation. Mining this relatively rare and expensive mineral on the reservation began in the early 1940's following the discovery of the nation's first uranium deposits at Monument Valley. Other deposits of unknown quantity also exist at different points across the reservation such as the Church Rock, Cameron, Chuska Mountains and possibly the Sanostee-Red Rock area.[6] Future development of uranium resources is in the planning stage and in some instances is already under way.

Low grade copper deposits are located in the western area of the reservation and other minerals are also known to exist. However, the demand for these minerals has not been great enough to justify the expense of developing these resources at the present time.

Agriculture and Forestry

The traditional Navajo combination of livestock and agriculture still plays an important role in the reservation's economy. More than one-third of all Navajo families still engage in these activities, but more and more people are beginning to use these as supplements to other income. The lack of water for farming and depleted range lands have long been serious problems on the reservation. Work by the tribe to help restore overgrazed and eroded rangelands is continuing and the Navajo Indian Irrigation Project, designed to open up new irrigated farmlands, is becoming an accomplished fact.

The Navajo Indian Irrigation Project was authorized under Public Law 87-483 in 1962 to provide water for irrigating 110,630 acres of arid and semi-arid land. All of this land is located in San Juan County, with about one-half being located on the Navajo reservation and the remainder acquired by the United States Government and held in trust for use by the Navajo tribe. Construction costs are expected to run in excess of $300 million dollars with the Navajo tribe responsible for administering the farming projects. Water for the irrigation project comes from Navajo Dam Reservoir about thirty five miles northeast of Farmington, New Mexico.[7] The project will be completed in stages with irrigation water being made available in units of 10,000 acres at a time until the entire project is completed. As of May 1978, two units have been completed and 20,000 acres of farming land have been opened for development.

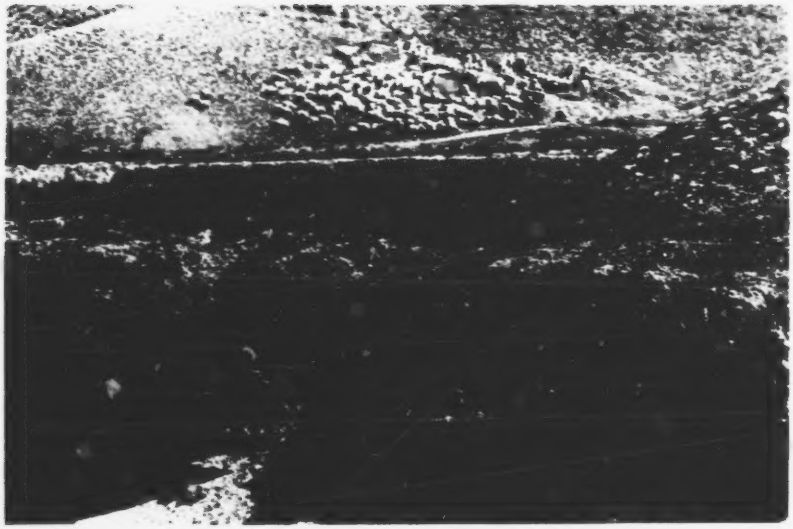
In 1970, the Tribal Council established the Navajo Agricultural Products Industry to train Navajos as farmers and to develop the newly opened lands, created by the irrigation project, into profitable farming operations. Navajo Agricultural Products Industry works to create job opportunities through all phases of agriculture and agriculturally related businesses.

In the area of forestry, the Navajo Tribal Government has long been interested in its large timber resources. The largest ponderosa pine forest under single ownership in the United States lies within the boundaries of the Navajo Reservation. In 1958, the Tribal Council created the Navajo Forest Products Industries to plan, manage and operate the tribe's forest and related industries.

In 1962, a new modern sawmill was built and later a planned community, Navajo, New Mexico, was constructed under Navajo Forest Products Industry guidance. A new particle board plant has been established and timber and timber related by-products are now being marketed throughout several states.

Industry and Commerce

Attempts by the tribe to attract industry to the reservation has resulted in vigorous promotional campaigns in recent years. Some success has been achieved in bringing in industry which would provide increased employment opportunities for the Navajo people, but these have been largely in the



Soil erosion in the Shiprock area, 1978.

electronics field. These have included Fairchild Camera and Instrument Corporation which operated a semi-conductor assembly plant in Shiprock, New Mexico, between 1965 and 1974 and General Dynamics, which opened a plant at Fort Defiance, Arizona in 1967. The General Dynamics plant was expanded in the mid 1970's and plans have been made for opening another General Dynamics facility at Shiprock in the future.[8]

Development of industrial parks in areas such as Leupp are being made by the tribe in order to provide the necessary sites, utilities and transportation facilities needed for industry. It is hoped that these sites will help in bringing more industry to the reservation.

Many commercial companies are also being established on the reservation such as the Fed Mart Shopping Center at Window Rock, Arizona and the Navajo Shopping Center at Navajo, New Mexico. A Fed Mart Shopping Center is also being planned for the community of Shiprock. The tribe is actively working to bring other commercial enterprises such as car dealerships, indoor theaters and commercial processing and distributing businesses to the reservation.

The traditional areas of the reservation's economy have not been neglected in the tribe's attempts to increase employment opportunities and economic benefits for the Navajo people. The Navajo Wool Marketing Program has completed a warehouse at Shiprock and plans are underway to expand markets for reservation wool and mohair both in the United States

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and abroad. Navajo rugs and jewelry are marketed through the Navajo Arts and Crafts Enterprise which provides an additional outlet for Navajo made crafts.

The tribe has also established the Navajo Small Business Development Corporation, funded by the Federal Office of Minority Business Enterprise, to help individual Navajos enter into business for themselves. In 1976, a branch office was opened in Farmington, New Mexico to provide opportunities for Navajos who wished to start small agriculturally related businesses in connection with the Navajo Indian Irrigation Project.

Communication, Transportation and Utilities

Telecommunications are supplied to the reservation's inhabitants by the Navajo Communications Company. As the population continues to increase and the reservation's economy expands in future years, the reservation's telephone network should expand accordingly.

In much the same manner, the Navajo Tribal Utility Authority, which provides electricity, water, sewers, as well as natural and bottled gas to Navajo people, will continue to expand its services.

Reservation growth in both the private and industrial areas will also cause a greater demand for an adequate transportation system on the reservation. Studies have been conducted and plans have been made for the future development of reservation roads, airport facilities and a mass transit system. Construction and operation of these proposed transportation systems will provide increased employment opportunities for many Navajos.

Public Services

Public services on the reservation are provided by the Navajo tribe, the Office of Navajo Economic Opportunity, the Bureau of Indian Affairs, the Public Health service and the public schools.

Because of the large size of the reservation, its expanding population and the rising costs of constructing and maintaining public service facilities such as schools, hospitals community buildings and recreational facilities, the Navajo tribe must still rely upon many federal and state programs. The tribe does however, participate to some degree in all areas of public service on the reservation and greater participation and complete responsibility for some public service programs is the tribe's ultimate goal.

In 1974, twenty-two mission schools, thirty public schools, one hundred and two Headstart school sites and two institutions of higher learning, as well as forty-nine Bureau of Indian Affairs Boarding schools were serving the

Administrative offices and library for the American Indian School of Medicine are presently located in the former Shiprock Civic Center.

Navajo reservation. Construction of new school buildings is a continual process because of the increasing population and it is the long range educational goal of the Navajo Tribe to see that elementary and secondary schools are provided for every reservation community.

Since 1955, the Indian Health service branch of the Public Health Service has been responsible for health care on the Navajo Reservation. While the general health of the Navajo people has improved greatly in recent years, it is still below that of the rest of the nation. In 1974, health services were being administered through five hospitals, thirteen health centers, fourteen health stations and eight service units. Future medical facilities are planned for the reservation area along with plans for the remodeling of existing medical facilities.

The Navajo Tribe has created the Department of Health Planning and Resources Development to plan the effective use of all tribal health funds on the reservation. This department works in cooperation with the Navajo Health Systems Agency, a private consultation agency required by Congress in 1974 and set up by the Tribal Council in 1976 to plan health care on the reservation. The Navajo Health Systems Agency is currently the only department of this kind located on an Indian reservation in the United States. Both the Department of Health Planning and the Health Systems Agency work toward coordinating the programs of organizations which provide health care on the

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reservation in order to end the overlapping of services.

In 1972, the Tribal Council created the Navajo Health Authority to help improve health care on the reservation. The Navajo Health Authority was placed in charge of developing health related training programs on the reservation. In this role, the Navajo Health Authority began working closely with the Area Health Education Center to secure training and employment for more Navajos in reservation health care programs.

In 1974, the Tribal Council authorized the Navajo Health Authority to conduct a study for planning and developing an American Indian School of Medicine. This study resulted in the Tribal Council officially establishing the American Indian School of Medicine and granting it a charter on February 24, 1977.

Currently the AISOM is located at Shiprock in the former civic center building which the tribe supplied to the school for an administration and library center. School officials are currently working to acquire adequate funding from several sources, including the federal government, various Indian tribes, foundations, and private donations. Dependent upon receiving these funds, the school plans to begin enrolling students during the 1979-1980 school year. The proposed curriculum for the school will be designed to meet the needs of Indian students and produce fully trained and accredited physicians. To carry out its training program, the AISOM plans to utilize the hospital facilities of the Indian Health Service as well as off-reservation medical schools and hospitals.

AISOM is the first planned medical school created to train American Indian doctors in the United States and marks another milestone in the Navajo peoples' determination to provide their own programs and services.

In 1977, the Navajo Tribe began the first phase in assuming control and responsibility for health services on the reservation. This responsibility lies in the partial distribution of funds for health care at the present time, rather than in the actual delivery of medical services to the people.

Community services are provided by the Tribal Government in the form of community buildings and recreational facilities. The Office of Navajo Economic Opportunity's Department of Community Development works closely with community leaders in planning and developing community programs at the Chapter House level in such areas as citizenship, health, recreation and education.

The tribe also supplies help for many Navajo families through its Social Services and Welfare Departments. The Department of Social Services works to help many Navajos become or remain economically self-supporting while the tribe, through its Welfare Department, tries to fill in the gaps left by federal and state welfare programs. In 1971, the tribe took over the federal food program which distributes commodities to needy reservation families.

Tourism

While development of the tourist industry has not as yet become a major part of the reservation's economy, this area is a potential source of future economic growth. Navajoland offers a wide variety of scenic spots and remains one of the most beautiful and unspoiled areas in the Southwest. The reservation contains or is located near many national parks and monuments such as Canyon de Chelly, Monument Valley, the Grand Canyon, the Painted Desert and the Petrified Forest.[10] These attractions, plus the added bonus of Navajo arts and crafts available on or near the reservation, draw many tourists to the area each year. The tribe has conducted studies concerning the tourist industry and plans are being developed to reap the benefits from the tourist trade which would provide added income and job opportunities for the Navajo people.

The Department of Parks and Recreation, a part of the tribe's larger Division of Natural Resources, works with the Parks Commission of the Navajo Tribal Council in planning, developing, protecting and administering the natural, historic and recreational resources of the Navajo Nation. The Department of Parks and Recreation provides Navajo Rangers to enforce all the rules and regulations set by the Tribal Council for the Division of Resources. Four ranger stations, including the ranger headquarters at Window Rock, Arizona, are located on the reservation. These stations, in addition to their normal functions, also act as visitor centers which inform and direct visitors on the reservation.

The Parks Department also works closely with the Navajo Tribal Museum which is currently planning a new museum facility, the Navajo Heritage Center at Window Rock. This new museum center will not only provide a modern museum, but also an auditorium, library and convention area. At the present time, under the museum's guidance, the small Tse Bonito Park Zoo, located at Window Rock is being expanded into a fourteen acre Navajo Zoological Park which will house animals native to the Southwest in a natural setting. Campgrounds and youth camps are also provided and maintained by the Navajo Department of Parks and Recreation in an attempt to meet the recreational needs of the Navajo people.

Unemployment

The increased economic activity on the reservation in recent years has helped provide needed employment opportunities for many Navajos. Between 1969 and 1975, 6,388 new jobs were added on the reservation which helped increase Navajo wage employment by sixty-seven percent. Even with this increase unemployment still remains a serious problem on the reservation and the per capita income for Navajos still remains well below the national average. In its efforts to help increase employment on the reservation, the tribal government conducts training programs in different areas to help unemployed Navajos learn new job skills which will help them find suitable employment.

Construction in the areas of housing, hospitals, schools, roads, power plants and other facilities on the reservation offers a great number of opportunities for Navajo employment both now and in the future. Off-reservation construction companies working on the reservation provide many jobs for Navajo workers under the Navajo hiring preference clause contained in construction contracts. Navajo owned and operated construction companies as well as tribal construction enterprises are also in operation at the present time.

Housing

One of the long range goals of the Navajo Tribal Government is to eventually provide adequate, modern housing for all the Navajo people. In order to help solve the reservation's housing problems, the Tribal Council in 1963, established the Navajo Housing Authority. This tribal department, operating under the Office of Business Management, began a construction program designed to build mutual help and low rent houses on the reservation. In 1963, the Bureau of Indian Affairs also began the Home Improvement Program to create better housing for the Navajos, providing funds for home repairs, remodeling and the construction of new homes.

A major breakthrough in providing new homes on the reservation occurred in 1971 when the tribal government, working with federal agencies, received aid from the Federal Housing Administration. Under a contract with the Federal Housing Authority, a housing project of 186 units was undertaken at Fort Defiance, Arizona. In that same year, a similar project went into effect at Shiprock, New Mexico for 214 single units and 41 apartments.

These public housing projects under the Federal Housing Administration also led to participation by the Farmers Home Administration in providing money for non-subsidized housing on the reservation for middle income families. At the present time, the Bureau of Indian Affairs, the Indian Health Service, the Office of Navajo Economic Opportunity and the Navajo Tribal Government are deeply committed and involved in programs designed to provide improved housing for the Navajo people.

The federal government has provided large sums of money toward the tribe's goal of adequate reservation housing. The federal government's

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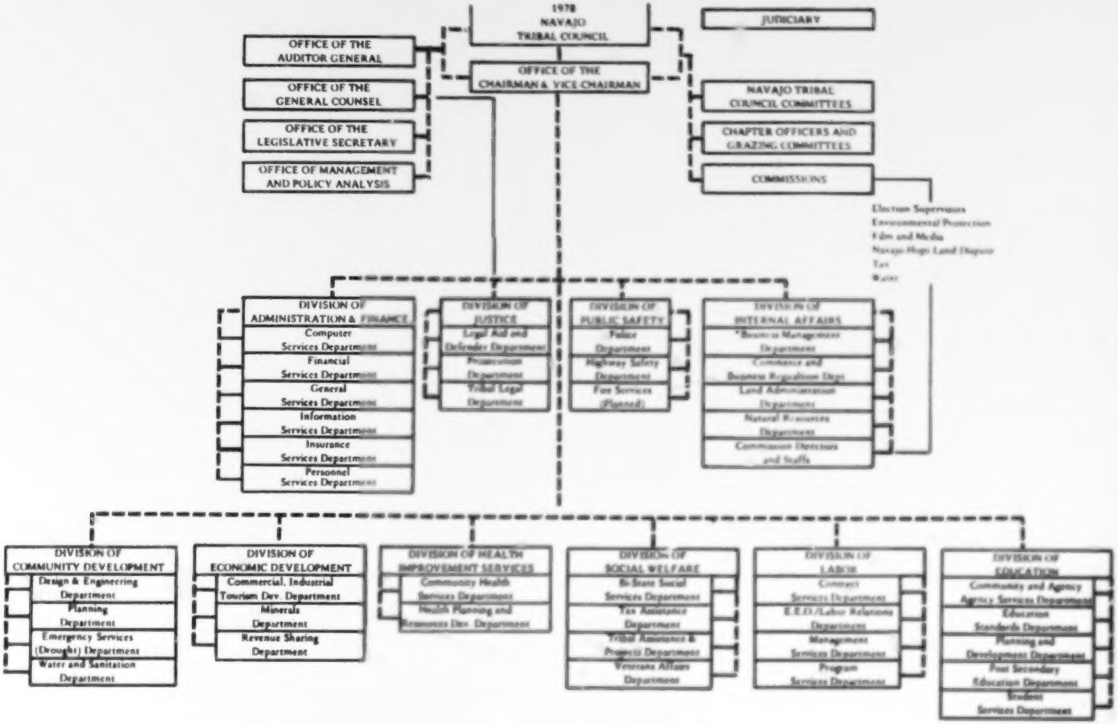
1978 NAVAJO TRIBAL COUNCIL
JUDICIARY
OFFICE OF THE AUDITOR GENERAL
OFFICE OF THE GENERAL COUNSEL
OFFICE OF THE LEGISLATIVE SECRETARY
OFFICE OF MANAGEMENT AND POLICY ANALYSIS
OFFICE OF THE CHAIRMAN & VICE CHAIRMAN
NAVAJO TRIBAL COUNCIL COMMITTEES
CHAPTER OFFICERS AND GRAZING COMMITTEES
COMMISSIONS
Election Supervisors
Environmental Protection
Film and Media
Navajo Hopi Land Dispute
Tax
Water
DIVISION OF ADMINISTRATION & FINANCE
Computer Services Department
Financial Services Department
General Services Department
Information Services Department
Insurance Services Department
Personnel Services Department
DIVISION OF JUSTICE
Legal Aid and Defender Department
Prosecution Department
Tribal Legal Department
DIVISION OF PUBLIC SAFETY
Police Department
Highway Safety Department
Fire Services (Planned)
DIVISION OF INTERNAL AFFAIRS
*Business Management Department
Commerce and Business Regulation Dept.
Land Administration Department
Natural Resources Department
Commission Directors and Staffs
DIVISION OF COMMUNITY DEVELOPMENT
Design & Engineering Department
Planning Department
Emergency Services (Drought) Department
Water and Sanitation Department
DIVISION OF ECONOMIC DEVELOPMENT
Commercial, Industrial Tourism Dev. Department
Minerals Department
Revenue Sharing Department
DIVISION OF HEALTH IMPROVEMENT SERVICES
Community Health Services Department
Health Planning and Resources Dev. Department
DIVISION OF SOCIAL WELFARE
Bi-State Social Services Department
Tax Assistance Department
Tribal Assistance & Projects Department
Veterans Affairs Department
DIVISION OF LABOR
Contract Services Department
E.E.O./Labor Relations Department
Management Services Department
Program Services Department
DIVISION OF EDUCATION
Community and Agency Agency Services Department
Education Standards Department
Planning and Development Department
Post Secondary Education Department
Student Services Department

*Permission granted by NTC to create separate business authority

Courtesy of the Department of Planning and Development,
The Navajo Tribe, Window Rock, Arizona.

General Accounting Office has estimated that the federal government invested $25 million dollars in reservation housing during the fiscal years between 1974 and 1976. Yet it was estimated in 1975 that of the 23,000 homes on the reservation, only eighteen percent were in standard condition. The term standard condition indicates that the homes were served by all weather roads, contained all utilities and were large enough to meet the needs of the families living there.[10]

New homes are being constructed constantly on the reservation which provides employment for many Navajos. These construction programs, however, are hampered by the problems of continually rising costs for building materials and an increasing population.

While the number of new homes on the reservation has increased dramatically in recent years, it has made only a small dent in the housing needs of the Navajo people. Navajo Tribal officials are determined, however, to provide better living conditions on the reservation and they are continuing their efforts to meet this goal.

The meeting of this housing goal is only a small part of the Navajo Tribe's overall efforts to develop a diverse and dynamic economy on the reservation which will provide greater employment and income benefits for the Navajo people. At the same time, efforts are being made across the reservation to preserve and encourage the traditional culture and heritage of the Navajos. The combination of these two efforts will undoubtably have the effect of further developing the Navajo people's pride and self-sufficiency both as a nation and as individuals.

Current Problems

The process of bringing about economic changes and providing services to the reservation has brought many changes in the organizational structure of the Navajo Tribal Government. As new programs are developed new tribal departments will either be created or existing ones expanded or reorganized. This has been the case since World War II due to the rapid progress made by the tribe in almost all areas. One of the areas which has expanded greatly in the past three decades is the tribe's legal department. Today, this department represents not only the Navajo people as individuals, but also the tribal government in its legal dealing with off-reservation forces and with the federal government.

The latest of these legal problems involving the United States Government is in the areas of the Navajo-Hopi Joint Land Use Area and the reapportionment of Tribal Council election districts.

The Joint Land Use Area dispute stemmed from the 1882 Executive Order addition which set aside 2.4 million acres for the use of the Hopi and other Indian tribes as the Secretary of the Interior should designate. In the following years approximately 1,822,000 acres of this area was used jointly by the Navajo and Hopi tribes. The discovery of oil, gas and large deposits of coal in the area brought about a conflict between the two groups which was partially settled in 1941. The 1941 settlement vested the title and mineral rights of the disputed areas to both tribes. This joint surface and sub-surface settlement which was granted for part of the land led to a decision by Congress in 1958, which authorized a lawsuit to be filed by the two tribes involved in order to reach a final settlement.

The resulting suit, known as the *Healing-v-Jones* case, after Paul Jones, Chairman of the Navajo Tribe, and Dewey Healing, Chairman of the Hopi Tribe, came to court in 1962. The court ruled that the land in question was to be used jointly by both tribes. This led to the term Joint Use Area in reference to the disputed land.

In 1974, Congress took further action on the disputed area by passing the Navajo-Hopi Land Settlement Act, which stipulated that if the two tribes could not reach an agreement over the use of the land, the court was empowered to divide the area equally in such a manner as to minimize the hardships of relocation by members of both tribes. The area was later partitioned between the two tribes by a federal court in Tucson, Arizona on February 10, 1977.

The resulting relocation of some thirty-five hundred Navajos and about one hundred Hopis, along with the problem of reducing livestock in the area continue to pose a problem to both the Navajo people and the tribal government.

Work toward reapportionment of election districts to provide council representation based upon election district population has been in progress since 1972. The United States Justice Department has ordered the tribe to come up with a reapportionment plan by the 1978 tribal elections. These plans for reapportionment are at the present time being hampered by determining which of the conflicting Navajo population figures will be used, plus the disputes between reservation chapters over chapter boundary lines.

As the Navajo Nation continues to progress, both current and future problems will undoubtably be met with the same process as those of the past. The Navajo people have long been recognized for their ability to meet their problems head on. This ability to combine the traditional with the new to arrive at a workable solution of their problems attests to the endurance, pride and strength of the Navajo people.

Today, this mixture of traditional culture, modern education and technology is bringing the Navajo Tribe rapidly towards its goals of self-determination and progress without totally destroying their basic cultural heritage.

Now, high in the beautiful mesas and canyonlands of Navajoland, the **Diné** are progressing rapidly toward a future strewn with problms, yet bright with promise.

[1] Robert Young, *The Role of the Navajo in the Southwestern Drama* (Gallup: The Gallup Independent, 1968), p. 78.

[2] "The Navajo Nation, Overall Economic Development Program" (Window Rock, Arizona: Office of Program Development, The Navajo Tribe, 1974), p. 56.

[3] *Ibid.*, p. 35.

[4] *Ibid.*, p. 27.

[5] *Ibid.*, p. 28.

[6] *Ibid.*

[7] (Window Rock, Arizona: Bureau of Indian Affairs, 1975), p. 1.

[8] *Ibid.*, p. 13.

Treaty of November 22, 1846
Ojo del Oso, Navajo Country

Article 1.

A firm and lasting peace and amity shall henceforth exist between the American people and the Navajo tribe of Indians.

Article 2.

The people of New Mexico and the Pueblo Indians are included in the term American people.

Article 3.

A mutual trade, as between people of the same nation, shall be carried on between these several parties; the Americans, Mexicans and Pueblos being free to visit all portions of the Navajo country, and the Navajos all portions of the American country without molestation, and full protection shall be mutually given.

Article 4.

There shall be a mutual restoration of all prisoners, the several parties being pledged to redeem by purchase such as may not be exchanged each for each.

Article 5.

All property taken by either party from the other, since the 18th day of August last, shall be restored.

The undersigned, fully empowered to represent and pledge to the above articles their respective nations, have accordingly hereunto signed their names and affixed their seals.

ALEXANDER W. DONIPHAN,
Col. commanding 1st Regt. Missouri Volunteers.

CONGREVE JACKSON,
Lieut, Col. commanding 1st Battalion.

WILLIAM GILPIN,
Major commanding 2d Battalion

0483

SIGNATURES OF THE NAVAJO CHIEFS.

Sacrilla Largo,	His X mark.	Sagundo,	His X mark.

Caballada de Mucho,	His X mark.	Pedro Jose,	His X mark.
Alexandro,	His X mark.	Manuelito,	His X mark.
Sandoval,	His X mark.	Tapio,	His X mark.
Kiatanito,	His X mark.	Archulette,	His X mark.
Jose Largo,	His X mark.	Juanico,	His X mark.
Narbona,	His X mark.	Savoietta Garcia,	His X mark.

From:
David M. Brugge and J. Lee Correll, *The Story of the Navajo Treaties*, Window Rock, Arizona, the Navajo Tribe, 1971.

Treaty of May 20, 1848
(Newby Treaty)

Treaty of Peace and amity made and entered into by the people of the United States and the Navajo tribe of Indians.

Article 1.

There shall henceforth exist between the people of the United States and the people of New Mexico during its occupation by the United States, on the one part, and the tribe of Navajo Indians, on the other part, a firm and lasting peace.

Article 2.

A mutual trade shall be carried on between the parties above mentioned; the people of the United States and those of New Mexico during its occupation by the United States being permitted to visit parts of the Navajo country and the Navajo Indians to visit all parts of the United States and of New Mexico during its occupation as above, without molestation and with full protection; and the said trade shall be carried on in every other respect as between people of the same nation.

Article 3.

There shall be an entire restoration of all prisoners that are held at the date of this treaty by either of the parties, and the people of New Mexico; such restoration to be full and complete with regard to the number of prisoners held.

Article 4.

The people of the United States guarantee during their occupation of New Mexico the strict observance of this treaty by the people of the Territory.

Article 5.

The Navajo Tribe of Indians will deliver immediately to the Acting Asst. Qr. Master of the United States now here three hundred sheep and one hundred mules and horses; such delivery to be made as indemnity in full for the expenses incurred by the people of the United States in this campaign.

The undersigned severally and fully empowered by their respective nations to pledge a full compliance with, and enforcement of, the above articles have hereunto signed their names and affixed their seals.

Done at Head Quarters, Camp at Monte del Cuyatana, Navajo Country, this 20th day of May 1848.

E. W. B. NEWBY
Col. Comg. 1st Regt. Illinois Inftry. Vol. (SL)

His
JOSE X LARGO (SL)
mark

His
ARCHILETTI X (SL)
mark

His
NAVON X (SL)
mark

His
CHAPATON X (SL)
mark

His
SARCIA X LARGO (SL)
mark

His
JUAN X LUCERO (SL)
mark

His
SEGUNDO X (SL)
mark

His
PABLO X PINO (SL)
mark

Treaty of September 9, 1849
(Washington Treaty)

The following acknowledgements, declarations, and stipulations have been duly considered, and are now solemly adopted and proclaimed by the undersigned; that is to say, John M. Washington, governor of New Mexico and lieutenant-colonel commanding the troops of the United States in New Mexico, and James S. Cahoun, Indian agent, residing at Santa Fe, in New Mexico, representing the United States of America, and Mariano Martinez, head chief, and Capitone, second chief, on the part of the Navajo tribe of Indians:

Article 1.

The said Indians do hereby acknowledge that, by virtue of a treaty entered into by the United States of American and the United Mexican States, signed on the second day of February, in the year of our lord eighteen hundred and forty-eight, at the city of Guadalupe Hidalgo, by N. P. Trist, of the first part, and Luis G. Cuevas, Berardo Couto, and Mgl. Artistain, of the second part, the said tribe was lawfully placed under the exclusive jurisdiction and protection of the Government of the said United States and that they are now, and will forever remain, under the aforesaid jurisdiction and protection.

Article 2.

That from and after the signing of this treaty, hostilities between the contracting parties shall cease, and perpetual peace and friendship shall exist; the said tribe hereby solemnly covenanting that they will not associate with, or give countenance or aid to, any tribe or band of Indians, or other persons or powers, who may be at any time at enmity with the people of the said United States; that they will remain at peace, and treat honestly and humanely all persons and powers at peace with the said States; and all cases of aggression against said Navajoes [sic] by citizens or others of the United States, or by other persons or powers in amity with the said States, shall be referred to the Government of said States for adjustment and settlement.

Article 3.

The Government of the said States having the sole and exclusive right of regulating the trade and intercourse with the said Navajoes, [sic] it is agreed that the laws now in force regulating the trade and intercourse, and for the preservation and guardianship of the aforesaid Government, shall be as binding and as obligatory upon the said Navajoes, and executed in the same manner, as if said laws had been passed for their sole benefit and protection; and to this end, and for all other useful purposes, the government of New Mexico, as now organized, or as it may be by the Government of the United States, or by the legally constituted authorities of the people of New Mexico, is recognized and acknowledged by the said Navajoes [sic]: and for the due enforcement of the aforesaid laws, until the Government of the United States shall otherwise order, the territory of the Navajoes is hereby annexed to New Mexico.

Article 4.

The Navajo Indians hereby bind themselves to deliver to the military authority of the

United States in New Mexico, at Santa Fe, New Mexico, as soon as he or they can be apprehended, the murderer or murderers of Micente Garcia, that said fugitive or fugitives from justice may be dealt with as justice may decree.

Article 5.

All American and Mexican captives, and all stolen property taken from Americans or Mexicans, or other person or powers in amity with the United States, shall be delivered by the Navajo Indians to the aforesaid military authority at Jemez, New Mexico, on or before the 9th day of October next ensuing, that justice may be meted out to all whom it may concern; and also all Indian captives and stolen property of such tribe or tribes of Indians as shall enter into a similar reciprocal treaty, shall, in like manner, and for the same purposes, be turned over to an authorized officer or agent of the said States by the aforesaid Navajoes [sic].

Article 6.

Should any citizen of the United States, or other person or person subject to the laws of the United States murder, rob, or otherwise maltreat any Navajo Indian or Indians, he or they shall be arrested and tried, and, upon conviction, shall be subjected to all the penalties provided by law for the protection of the person and property of the people of the said States.

Article 7.

The people of the United States of America shall have free and safe passage through the territory of the aforesaid Indians, under such rules and regulations as may be adopted by authority of the said States.

Article 8.

In order to preserve tranquility, and to afford protection to all the people and interests of the contracting parties, the Government of the United States of America will establish such military posts and agencies and authorize such trading-houses, at such time and in such places as the said Government may designate.

Article 9.

Relying confidently upon the justice and the liberality of the aforesaid Government, and anxious to remove every possible cause that might disturb their peace and quiet, it is agreed by the aforesaid Navajoes that the Government of the United States shall, at its earliest convenience, designate, settle, and adjust their territorial boundaries, and pass and execute in their territory such laws as may be deemed conducive to the prosperity and happiness of said Indians.

Article 10.

For and in consideration of the faithful performance of all the stipulations herein contained by the said Navajo Indians, the Government of the United States will grant to said Indians such donations, presents, and implements, and adopt such other liberal and humane measures, as said Government may deem(,) meet and (consider) proper.

Article 11.

This treaty shall be binding upon the contracting parties from and after the signing of the same, subject only to such modifications and amendments as may be adopted by the Government of the United States; and, finally, this treaty is to receive a liberal construction at all times and in all places, to the end that the said Navajo Indians shall not be held responsible for the conduct of others, and that the Government of the United States shall so legislate and act as to secure the permanent prosperity and happiness of said Indians.

In faith whereof, we, the undersigned, have signed this treaty, and affixed thereunto our seals, in the valley of Cheille [sic], this the ninth day of September, in the year of our Lord one thousand eight hundred and forty-nine.

J. M. Washington,
Brevet Lieutenant-Colonel Commanding. (L.S.)

James S. Calhoun,
Indian Agent, residing at Santa Fe. (L.S.)

Mariano Martinez, Head Chief, his X mark, (L.S.)
Chapitone, Second Chief, his X mark, (L.S.)

J. L. Collins.
James Conklin.
Lorenzo Force.
Antonio Sandoval, his X mark.
Francisco Josto, Governor of the Jemez, his X mark.

Witnesses—

H. L. Kendrick, Brevet Major U. S. Army.
J. N. Ward, Brevet First Lieutenant Third Infantry.
John Peck, Brevet Major U. S. Army
J. F. Hammond, Assistant Surgeon U. S. Army.
H. L. Dodge, Captain commanding Eut. Regulars.
Richard H. Kern.
J. N. Nones, Second Lieutenant Second Artillery.
Cyrus Choice
John H. Dickerson, Second Lieutenant First Artillery.
W. E. Love.
John G. Jones.
J. H. Simpson, First Lieutenant Corps Topographic Engineers.

Articles of Agreement and Convention, July 18, 1855
(Treaty of Laguna Negra)

Made and concluded at Laguna Negra, in the Territory of New Mexico this eighteenth day of July, one thousand eight hundred and fifty five. by David Meriwether, sole commissioner, duly appointed for that purpose on the part of the United States, and the undersigned chiefs, captains, and the head men, of the Navajo tribe or nation of Indians; they being thereto duly authorized and acting for and in behalf of their respective bands.

Article 1.

Peace, friendship, and amity shall forever hereafter exist between the United States of America and the Navajo tribe or nation of Indians, and this convention and every article and stipulation thereof shall be perpetual, and observed and performed in good faith.

Article 2.

The Navajos do hereby covenant and agree that peaceful relations shall be maintained amongst themselves and all other bands tribes and nations of Indians within the United States, and that they will abstain from committing hostilities or depredations, in future, and cultivate mutual good will and friendship.

Article 3.

The Navajos hereby code and forever relinquish to the United States, all title or claim whatsoever, which they have or ever have had to lands within the Territory of New Mexico, except so much as is hereinafter reserved to them. And the Navajos further agree and bind themselves, to remove to, and settle on the lands reserved to them, within twelve months after the ratification of this treaty, without any cost or charge to the United States whatsoever, for their removal: and what they will cultivate the soil and raise flocks and herds for subsistence; and that the President may withold the annuities herein stipulated to be paid, or any part thereof, whenever the Indians shall violate, fail, or refuse to comply with any provisions of this instrument, or to cultivate the soil in good faith.

Article 4.

The United States agree to set apart and withold from sale, for the use of the Navajos, for their permanent homes, and hereby guarantees them the possession and enjoyment of a tract of country within that portion of the Territory of New Mexico now claimed by them, and bounded as follows viz. Beginning on the south bank of the San Juan river, at the mouth of the Rio de Chelly, thence up the San Juan to the mouth of the Canada del Amarilla, thence up the Amarilla to the top of the dividing ridge between the waters of the Colorado and Rio Grande, thence southwestwardly along said dividing ridge to the head of the main branch of the Zune river, thence down the north side thereof to its mouth or entrance into the Colorado Chiquito, thence north to the beginning excluding the lands owned by the Pueblos of Zune and Moqui, and reserving to them all their rights and privileges, and reserving to the Navajos States a tract of country embracing fifty square miles around Fort Defiance, to be laid off under the direction of the commanding officer of the department, and in such manner as he may see proper: reservating to the Navajos the right to gather salt at Salt Lake near Zuni.

And the United States is hereby authorized to define the boundaries of the reserved tract, where it may be necessary by actual survey or otherwise, and the President may, from time to time, at his discretion cause the whole or any part thereof to be surveyed, and may assign to each head of a family, or single person, over twenty one years of age twenty acres of land, for his or her separate use and benefit; and to each family of three and less than five persons, forty acres; and each family of five or more persons sixty acres; and he may at his discretion, as fast as the occupants became capable of transacting their own affairs issue patents therefor to such occupants, with such restrictions of the power of alienation, as he may see fit to impose; and he may also, at his discretion, make rules and regulations respecting the disposition of the lands, in case of the death of the head of a family or single person occupying the same, or in case of its abandonment by them; and he may also assign other lands in exchange for mineral lands, if any such are found in the tracts herein set apart; and he may also make such changes, in the boundary of such reserved tracts, as shall be necessary to prevent interference with any vested rights, all necessary roads, highways, and railroads, the lines of which may run through the reserved tracts, shall have the right of way through the same, compensation being made therefor, as in other cases; but the President may grant the right of way to any such road free from charge, and establish such military posts as he may think proper.

Article 5.

In consideration of, and full payment for the country ceded, and the removal of the Navajos, the United States agree to pay to the Navajos the following sums, without interest, to wit. The United States will, during the year 1856 and 1857 pay to the Navajos ten thousand dollars each year; during the year 1858, and the two next succeeding years thereafter, the sum of six thousand dollars each; and during the year 1861, and the next succeeding fifteen years thereafter, the sum of four thousand dollars each year. All of which several sums of money shall be paid to the Navajos, or expended for their use and benefits under the direction of the President of the United States, who may from time to time, determine, at his discretion, what proportion of the annual payments, in this article provided for, if any, shall be paid to them in money, and what proportion shall be applied to and expended for their moral improvement and education; for such beneficial objects as, in his judgment, will be calculated to advance them in civilization: for building, opening farms, breaking lands, providing stock, agricultural implements, seeds &c; for employing farmers to teach the Indians to cultivate the soil, for clothing, provisions, and merchanize; for iron, steel, arms and ammunition; for mechanics and tools; and for medical purposes.

Article 6.

The annuities of the Indians shall not be taken to pay the debts of individuals, but satisfaction, for depredations committed by them shall be made by the Indians, in such manner as the President may direct. Nor shall any part of the amounts stipulated to be paid, ever be applied by the chiefs or head-men, to the payment of tribal debts, or obligations to traders or other persons.

Article 7.

No spirituous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians; and sale of the same shall be prohibited, in the

Territory herby ceded, until otherwise ordered by the President.

Article 8.

The laws now in force, or which may hereafter be enacted by Congress, for the regulations of trade and intercourse with the Indian tribes, shall continue and be in force within the country set apart for the use of the Navajos; and such portions of said laws as prohibit the introduction, manufacture, use of, and traffic in ardent spirits, in the Indian country ceded, until otherwise provided by law.

Article 9.

The Navajos do further agree and bind themselves to make restitutions, or satisfaction, for any injuries done by any band or any individual, to the people of the United States, and to surrender, to the proper authorities of the United States, when demanded, any individual or individuals who may commit depredation, to be punished according to law. And if any citizen of the United States, shall, at any time, commit depredations upon the Indians, the Navajos agree, that they will not take private satisfaction or revenge themselves, but instead thereof, they will make complaint to the proper Indian Agent for redress. And the said Indians do further agree to refrain from all depredications upon the inhabitants thereof.

Article 10.

This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senator of the United States.

In Testimony whereof, the said David Meriwether, Commissioner as aforesaid, the undersigned chiefs, captains, and headmen of the said tribe of Navajo Indians, have hereunto set their hands and seals at the place, and on the day and year hereinbefore written.

D. MERIWETHER (L.S.)
Com. on the part of the United States

Witnesses present	Manuelito	X	His mark	(L.S.)
	Joe Miguel	X	His mark	(L.S.)
JNO. GARLAND	Cabra Blanco	X	His mark	(L.S.)
Vt. Brigr. Genl.	Fracisco Baca	X	His mark	(L.S.)
U.S.A.	Segundo	X	His mark	(L.S.)
	Mariano Martinez	X	His mark	(L.S.)
H. L. KENDRICK	Julian Tenorio	X	His mark	(L.S.)
Bvt. Maj. U.S.A.	Jas-tin-a	X	His mark	(L.S.)
	Jose Baca	X	His mark	(L.S.)
O. L. SHEPHERD	Jose Antonio	X	His mark	(L.S.)
Capt. 3rd Inf.	Jose	X	His mark	(L.S.)
& Bvt. Major	Antonio Viscario	X	His mark	(L.S.)
	Niz-Nez	X	His mark	(L.S.)
R. S. EWELL	Bele Thlana	X	His mark	(L.S.)
Capt. 1 Drg.	Bitche-de-latche	X	His mark	(L.S.)
	Hijo del Juanico	X	His mark	(L.S.)
W. W. H. DAVIS	Manuel Huero	X	His mark	(L.S.)
Secty.	Bick-e-de-stedy	X	His mark	(L.S.)
Terry. New Mexico	Aguilar Negro	X	His mark	(L.S.)

Caton Colorado	X	His mark	(L.S.)
Bele-clee-zine	X	His mark	(L.S.)
Salvador Colorado	X	His mark	(L.S.)
Ori-nez	X	His mark	(L.S.)
Jose Paya	X	His mark	(L.S.)
Sarcillas Largas	X	His mark	(L.S.)
Pana Hulgohi	X	His mark	(L.S.)
Manuel Armijo	X	His mark	(L.S.)

Appendix E

Term of Armistice, November 20, 1858

1.

The assembled chiefs and principal men of the tribe of Navajo Indians consents and agrees to meet within 30 days at this post authorized commissioners to form a treaty of peace on a sure basis, and which will be binding on the United States as well as on the Navijoes [sic].

2.

The assembled chiefs and principal men agrees and consents that the following items shall form the basis of the treaty. 1st. To deliver up every horse, mule and poney [sic] taken by them from this post during the war. 2d. That the chief selected to their principal, shall be obeyed in all things with strict obedience in the requirements made by their agent or commanding officer of this post. 3d. That the Navijoes [sic] will deliver up the murderer as soon as they can catch him, and it will be no offense if the troops ever take him and punish him. 4th. On the day of signing the treaty there will be an exchange of prisoners —all captives in the possession of the Navijoes [sic] will be surrendered and all captives of their nation now in confinement at this post will be set at liberty.

We the undersigned chiefs and principal men of the Navijo [sic] Nation agree and consent in the name of their nation and sign our names before witnesses, that we act in good faith and sincerity by so doing.

This at Fort Defiance N.M. this 20th day of November 1858.

Sarcillos Largos	X	His mark	Jijo de Siego	X	His mark
Armijo	X	His mark	Cabras Blancas	X	His mark
Gordo	X	His mark	Ganado Mucho	X	His mark
Herrero	X	His mark	Guero	X	His mark
Barboncito	X	His mark	Cabesa Colorado	X	His mark

We the undersigned certify that the chiefs whose names are above signed, did so with a full and perfect understanding of the true meaning of every and each sentence, and in addition they expressed the most perfect humiliation, and the greatest willingness for peace.

S. M. YOST
U. S. Indian Agent

Green Wilson
U. S. Interpreter for Navajoe [sic] Agency

The chiefs and headmen of the Navajo Tribe of Indians having agreed to the terms I have proposed, I hereby grant an armistice for thirty days from this date.

20th Novbr. 1858
Fort Defiance, N. M.

D. S. MILES
Lt. Col. 3 Inf.
Comg. Navajo Exped.

Appendix F

Treaty of December 25, 1858
(Bonneville Treaty)

The following are the terms upon which Col. B. L. E. Bonneville, commanding the Department of New Mexico, and Col. J. L. Collins, Supt. of Ind. Affairs for the Territory of New Mexico, acting for and on behalf of the United States, have agreed that peace shall be restored to the Navajo tribe of Indians, and when all the terms are fully complied with on the part of said Indians, friendship and amicable relations shall again exist between the United States and the Navajo nation.

Article 1.

It is agreed on the part of the head chiefs of the Navajos, acting for the entire tribe, that a line commencing at the Piscada Spring which forms the head of the Zuni River, then on a direct line to Bear Springs on the road from Albuquerque to Fort Defiance; thence on a direct line to the Pueblo, or ruins of Escandido in the Chaco; thence on a direct line to the junction of the Chaco—otherwise known as the Tunicha—with the San Juan, shall form the eastern limits of the Navajo tribe and beyond which they agree that none of the tribe shall graze or plant nor in any other manner occupy. To prevent such occupancy, it is agreed that the authorities and troops of the United States shall have the right, under the direction of the commanding officer of Fort Defiance, to capture, and destroy if necessary, all stock or flocks of the tribe found east of said line, and to destroy all crops which may be planted east of the line.

Article 2.

They agree to indemnify the citizens, settlers, and Pueblo Indians for all depredations committed upon their property by any of the Navajo tribe since the 15th day of August last, by the return of the property stolen, or if the property is not returned, they are to pay an equivalent in other property, such as sheep, horses, mules &c. (cattle) or a fare [sic] valuation to be fixed by the U. S. agents for the Navajo tribe, for the time being, and the commanding officer at Fort Defiance.

Article 3.

As a guarranty [sic] for the future good conduct of the Navajos it is agreed that the whole tribe shall be held responsible for any depredations perpetrated by any of the tribe, and if prompt satisfaction is not rendered for such depredations, then the authorities and troops of the United States will proceed to make reprisals from the stock and flocks of the tribe at large as shall suffice to indemnify the sufferers.

Article 4.

All prisoners or captives, either Mexicans or Pubelo Indians, in the possession of the Navajos who desire their release are to be given up to the U. S. for the purpose of being set at liberty or restored to their friends. On the other hand it is agreed that the Navajo prisoners in the hands of the United States will be returned to their tribe.

Article 5.

It being represented by the Navajo tribe that the members of their nation who assassinated the Negro boy of Major Brooks at Ford Defiance, has fled beyon[d] the limits and reach of the Navajo nation, so that his surrender is out of their power, therefore the demand for his rendition heretofore made is waived; but it is understood and stipulated by the Navajos that they are never hereafter to allow that member of their tribe to come or remain within their limits or in any manner to extend to him their protection, such permission or toleration shall be regarded as a breach of this adjustment and an act of war against the United States.

Article 6.

It is distinctly understood that these conditions; or any other which may be exacted, the United States does not forgo the right to dispatch military expeditions through the Navajo country, or to establish new military posts or defences, or Indian agencies, with farming, grazing or other necessary grounds reserved for the use of the same.

Article 7.

The chief Huero, who has been lately elected by the tribe, as the head chief of the nation, is to regarded and recognized as the central authority of the tribe, with whom all questions which may arise between the U. S. and the Navajos shall be settled, and his acts shall be recognizes and held to the binding upon the whole tribe.

Article 8.

It is understood that Sandoval and his people are for the present, and until otherwise provided in future, permitted to occupy the country they now occupy but in all other respects they are to be considered as part and parcel of the Navajo nation.

All the people now with Sandoval who do not properly belong to his band are to return immediately to their own country west of the line fixed in the first of these articles. Agreed to and signed on the 25th day of Dec. 1858.

In presence of	El Huero	X	his mark
	Armijo	X	his mark
Witness.	Cabasa Colorado	X	his mark
	Gordo	X	his mark
E. BACKUS	Ish-kit-si-nee	X	his mark
Maj. 3 Inf.	Huero 2d	X	his mark
	Sarcillos Largos	X	his mark
G. GRANGER	Herrero	X	his mark
1 lt. Rifles,	Ganado Mucho	X	his mark
Bt. Capt.	Durando	X	his mark
	Huero	X	his mark
S. M. YOST	Herrera Chicito	X	his mark
Indian Agent	Guardo 2d	X	his mark
	Marcus	X	his mark
	Utah Chicito or Jose Antonio	X	his mark

I certify that the Indian chiefs whose names are signed to the above articles and conditions, agreed to them of their own accord, after they were fully explained.

S. M. YOST
Indian Agent

Appendix G

Treaty of February 15, 1861
(Canby Treaty)

There shall be perpetual peace between the United States of American and the Navajo Nation and to this end the following conditions and stipulations have been mutually agreed upon between Lieut. Colonel E. R. S. Canby, U. S. Army, on the part of the United States, and the Navajo Chiefs assembled in council at Fort Fauntleroy, N. M., this 15th day of February, 1861, on the part of the Navajo Nation.

Article 1.
It is distinctly understood that the inhabitants of New Mexico, the people of Zuni, Moqui and all the other Indian Pueblos and all Indian tribes that are now or may hereafter be under the protection of the United States are embraced in the terms and stipulations of this treaty, and any act of hostility against these will be a breach of faith and act of hostility against the United States.

Article 2.
The Navajo Chiefs agree to submit themselves unconditionally to the Government of the United States and to pledge themselves for the whole Navajo Nation for the faithful performance of all the conditions and stipulations of this treaty, and they also mutually pledge themselves to each other to support the Head Chief of the Nation and all the other chiefs in controlling their people and maintaining inviolate and in good faith the conditions of the treaty, and this without respect to the family or the rank of the offenders.

Article 3.
It is further agreed by the Navajo Chiefs that they will, at once, make war on the ladrones and unruly men of the nation, that the war will be continued until the ladrones are destroyed and the others are brought under proper subjection and control; and it is stipulated on the part of the United States that whenever the ladrones or bad men are so strong that they cannot be suppressed or controlled by the Navajoes [sic] themselves, that troops will be sent to assist in their suppression or control.

Article 4.
It is further stipulated by the Navajo Chiefs that they will not permit any ladrones or bad men to take refuge or hide among their people and that if any such are found at any time, they will immediately be surrendered to the commanding officer of the nearest military post; that they will not permit their people to purchase or sell any stolen property but will cause it to be delivered up at the nearest military post in order that it may be restored to its owners, and that they will indemnify the owners for any such property that may have been consumed or destroyed by their people; and it is stipulated on the part of the United States that if any robberies should be committed upon Navajoes [sic] who have in good faith complied with the conditions of this treaty that measures will be taken to see that justice is done them.

Article 5.
The Navajo Chiefs shall immediately collect their people and establish them in the

country west of Fort Fauntleroy, and until it is otherwise stipulated none of them will be allowed to live or graze their flocks in the country east of the post. If any are found in that country they will not be entitled to protection but will be regarded and treated as enemies, and it is understood that the Navajo Chiefs will, as soon as it is practicable, and the necessary arrangements can be made, establish their people permanently in Pueblos or settled communities, where peaceable avocation may be pursued without interruption or molestation.

Article 6.

Whenever the Government of the United States is satisfied that the Navajo people will conform in good faith to the conditions and stipulations of this treaty, put an end to their depredations and live in peace with all their neighbors, measures will be taken to render them any assistance that may be necessary to place them in the same condition with other nations, under the protection of the Government, and with this object it is stipulated that a general council of the Navajo Chiefs shall be held at this post on the 20-24th of May next.

Ed. R. S. CANBY
Maj. 10 Inf. &
Lt. Col. U.S.A.

Witnesses

N. B. ROSSELL Bvt. Maj. & Capt. 5 Inf.	B. A. CLEMENTS Asst. Surg. U.S.A.	HERRERO GRANDE	X	His mark
		ARMIJO	"	"
"	"	HERRERO CHIQUITO	"	"
"	"	BARBON No. 1	"	"
"	"	SOLDADO SUROD	"	"
"	"	CROOKED WHISKERS	"	"
"	"	JACUNDA	"	"
"	"	EL SURDO	"	"
"	"	BARBON KLA No. 2	"	"
"	"	SOBRINO DE HERRERO	"	"
"	"	JOSE	"	"
"	"	MARIANO	"	"
B. WINGATE Capt. 5th Inf.	S. COOPER McKEE Asst. Surg. U.S.A.	JOSE PELON	"	"
N. B. ROSSELL	H. R. SELDEN	HA-NAU A HI	"	"

Bvt. Maj. & Capt. 5 Inf.	Capt. 5 Inf. "	CABESA GRANDE	"	"
"	"	EL CHOUPADOR	"	"
J. A. WHITALL Capt. 5 Inf.		MANUELITO	"	"
"		EL HIJO DE JUANICO	"	"
"		FERNANDO	"	"
"		KLA	"	"
		BARBON SU HIJO	"	"
L. L. RICH 1 Lt. 5 Inf.		CUYO SU HIJO	"	"
"		ANDREW JACKSON	"	"
"		HUERRO No. 1	"	"
"		HUERRO No. 2	"	"
"		CUNANI	"	"
"		JUAN	"	"
"		JOSE DE CHUSCO	"	"
"		JUAN LUCERO	"	"
"		JUAN PEDRO	"	"
J. A. WHITALL Capt. 5 Inf.		GORDO	"	"
W. J. L. NICODEMUS 5 Inf.		HUERO No. 3	"	"
J. A. WHITALL Capt. 5 Inf.	Toto-so-nis-ne	GANADO MUCHO	"	"
SAM'L ARCHER 1st Lieut. 5th Inf.		BARBONCITO	"	"
L. L. RICH		CAVALLADO ROSIO	"	"
"		VICENTE BACA	"	"

J. A. WHITALL Capt. 5 Inf.	CABRA BLANCA	"	"
H. B. BRISTOL 2 Lt. 5 Inf.	TA-CA-RA	"	"
"	HERRERO	CHIQUITITO	
" " "	MONTERO LARGO	"	"
"	CHUPADOR CHIQUITO	"	"
"	SAL-GORDO	"	"
"	EL TUERTO	"	"
J. UPDEGRAFF 1 Lt. 5 Inf.	CAYETANITO TABACO GRANDE	"	"
"	MULA MUCHO	"	"
"	CAYETANITO TABACO SAN LUCERO	"	"
"	AIJULO PINTO	"	"
"	BOTA	"	"

Treaty of June 1, 1868

ANDREW JOHNSON
PRESIDENT OF THE UNITED STATES
OF AMERICA

TO ALL AND SINGULAR WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at Fort Sumner, in the Territory of New Mexico, on the first day of June, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant General W. T. Sherman and Samuel F. Tappan, Commissioners, on the part of the United States, and Barboncito, Armijo, and other Chiefs and Headmen of the Navajo tribe of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a Treaty and Agreement made and entered into at Fort Sumner, New Mexico, on the first day of June, 1868, by and between the United States, represented by its Commissioners, Lieutenant General W. T. Sherman and Colonel Samuel F. Tappan, of the one part, and the Navajo nation or tribe of Indians, represented by their Chiefs and Headmen, duly authorized and empowered to act for the whole people of said nation or tribe, (the names of said Chiefs and Headmen being hereto subscribed,) of the other part, witness:

Article 1.
From this day forward all war between the parties of this agreement shall for ever cease. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to keep it.

If bad men among the white or other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also to reimburse the injured persons for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black or Indian, subject to the authority of the United States and at peace therewith, the Navajo tribe agree that they will, on proof made to their agent, and on notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due them under this treaty, or any others that may be made with the United States. And the President may prescribe such rules and regulations for ascertaining damages under this article as in his judgement may be proper: but no such damage shall be adjusted and paid until examined and passed upon by the Commissioner of Indian Affairs. and no one sustaining loss whilst violating, or because of his violating, the provisions of this treaty of the laws of the United States shall be reimbursed therefore.

Article 2.

The United States agree that the following district of country, to wit: bounded on the north by the 37th degree of north latitude, south by an east and west line passing through the site of old Fort Defiance, in Canon Bonito, east by the parallel of longitude which, if prolonged south, would pass through old Fort Lyon, or the Ojo-de-oso, Bear Springs, and west by a parallel of longitude about 109° 30 west of Greenwich, provided it embraces the outlet of the Canon de Chilly,[sic] which canon is to be all included in this reservation, shall be the same and is hereby, set apart for the use and occupation of the Navajo tribe of Indians, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States agrees that no persons except those herein so authorized to do, and except such officers, soldiers, agents, and employes [sic] of the government or of the Indians as may be authorized to enter upon Indian reservations in discharge of duties imposed by law, or the orders of the President, shall ever be permitted to pass over, settle upon, or reside in, the territory described in this article.

Article 3.

The United States agrees to cause to be built at some point within said reservation, where timber and water may be convenient, the following buildings: a warehouse, to cost not exceeding twenty five hundred dollars; an agency building for the residence of an agent, not to cost exceeding three thousand dollars; a carpenter shop and blacksmith shop, not to cost exceeding one thousand dollars each; and a schoolhouse and chapel, so soon as a sufficient number of children can be induced to attend school, which shall not cost to exceed five thousand dollars.

Article 4.

The United States agrees that the agent for the Navajos shall make his home at the agency building; that he shall reside among them and shall keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by or against the Indians as may be presented for investigation, as also for the faithful discharge of other duties enjoined by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

Article 5.

If any individual belonging to said tribe, or legally incorporated with it, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the "land book" as herein described, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of the family, may in like manner select, and cause to be certified to him or her for purposes of cultivation, a quantity of land, not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection which said book shall be known as the "Navajo Land Book."

The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper.

Article 6.

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher.

The provisions of this article to continue for not less than ten years.

Article 7.

When the head of a family shall have selected lands and received his certificate as above directed, the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value of one hundred dollars, and for each succeeding year he shall continue to farm, for a period of two years, he shall be entitled to receive seeds and implements to the value of twenty-five dollars.

Article 8.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on the first day of September of each year for ten years, the following articles to wit:

Such articles of clothing, goods, or raw materials in lieu thereof, as the agent may make his estimate for, not exceeding in value five dollars per Indian-each Indian being encouraged to manufacture their own clothing, blankets, etc.; to be furnished with no article which they can manufacture themselves. And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the articles herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of ten years, for each person who engages in the farming or mechanical pursuits, to be used by the Commissioner of Indian Affairs in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to proper; and if within the ten years at any time it shall appear that the amount of money needed for clothing, under the article, can be appropriated to better uses for the Indians named herein, the Commissioner of Indian Affairs may change the appropriation to other purposes, but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named, provided they remain at peace. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

Article 9.

In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy any territory outside their reservation, as herein defined, but retain the right to hunt on any unoccupied lands contiguous to their reservation, so long as the large game may range thereon in such numbers as to justify the chase; and they, the said Indians, further expressly agree:

1st. That they will make no opposition to the construction of railroads now being built or hereafter to be built, across the continent.

2nd. That they will not interfere with the peaceful construction of any railroad not passing over their reservation as herein defined.

3rd. That they will not attack any persons at home or travelling, [sic] nor molest or disturb any wagon trains, coaches, mules or cattle belonging to the people of the United States or to persons friendly therewith.

4th. That they will never capture or carry off from the settlements women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They will not in future oppose the construction of railroads, wagon roads, mail stations, or other works of utility of necessity which may be ordered or permitted by the laws of the United States; but should such roads or other works be constructed on the lands of their reservation, the government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or headman of the tribe.

7th. They will make no opposition to the military posts or roads now established, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

Article 10.

No future treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force against said Indians unless agreed to and executed by at least three-fourths of all the adult male

Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such a manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in article 5 of this treaty.

Article 11.

The Navajos also hereby agree that at any time the signing of these presents they will proceed in such a manner as may be required of them by the agent, or by the officer charged with their removal, to the reservation herein provided for, the United States paying to their subsistence en route, and providing a reasonable amount of transportation for the sick and feeble.

Article 12.

It is further agreed by and between the parties to this agreement that the sum of one hundred and fifty thousand dollars appropriated or to be appropriated shall be disbursed as follows, subject to any conditions provided in the law, to wit:

1st. The actual cost of removal of the tribe from the Bosque Redondo reservation to the reservation, say fifty thousand dollars.

2nd. The purchase of fifteen thousand sheep and goats, at a cost not to exceed thirty thousand dollars.

3rd. To purchase five hundred beef cattle and a million pounds of corn, to be collected and held at the military post nearest the reservation, subject to the orders of the agent, for the relief of the needy during the coming winter.

4th. The balance, if any, of the appropriation to be invested for the maintenance of the Indians pending their removal, in such a manner as the agent who is with them may determine.

5th. The removal of this tribe to be made under the supreme control and direction of the military commander of the Territory of New Mexico,and when completed, the management of the tribe to revert to the proper agent.

Article 13.

The tribe herein named, by their representatives, parties to this treaty, agree to make the reservation herein described their permanent home, and they will not as a tribe make any permanent settlement elsewhere, reserving the right to hunt on lands adjoining the said reservation formerly called theirs, subject to the modifications named in this treaty and the orders of the commander of the department in which said reservation may be for the time being; and it is further agreed and understood by the parties to this treaty, that if any Navajo Indian or Indians shall leave the reservation herein described to settle elsewhere, he or they shall forfeit all the rights, privileges, and annuities conferred by the terms of this treaty; and it is further agreed by the parties to this treaty, that they will do all they can to induce Indians now and away from reservations set apart for the exclusive use and occupation of the Indians, leading a nomadic life, or engaged in war against the people of the United States, to abandon such a life and settle permanently in one of the territorial reservations set apart for the exclusive use and occupation of the Indians.

In testimony of all which the said parties have hereunto, on this the first day of June, eighteen hundred and sixty-eight, at Fort Sumner, in the Territory of New Mexico, set their hands and seals.

W. T. SHERMAN
Lt. Gen'l, Indian Peace Commissioner.

S. F. TAPPAN,
Indian Peace Commissioner

BARBONCITO, Chief	his x mark.
ARMIJO.	his x mark.
DELGADO.	
MANUELITO.	his x mark.
LARGO.	his x mark.
HERRERO.	his x mark.
CHIQUETO.	his x mark.
MUERTO DE HOMBRE.	his x mark.
HOMBRO.	his x mark.
NARBONO.	his x mark.
NARBONO SEGUNDO.	his x mark.
GANADO MUCHO.	his x mark.

COUNCIL.

RIQUO.	his x mark.
JUAN MARTIN.	his x mark.
SERGINTO.	his x mark.
GRANDE.	his x mark.
INOETENITO.	his x mark.
MUCHACHOS MUCHO.	his x mark.
CHIQUETO SEGUNDO.	his x mark.
CABELLO AMARILLO.	his x mark.
FRANCISCO.	his x mark.
TORIVIO.	his x mark.
DESDENDADO.	his x mark.
JUAN.	his x mark.
GUERO.	his x mark.
GUGADORE.	his x mark.
CABASON.	his x mark.
BARBON SEGUNDO.	his x mark.
CABARES COLORADOS.	his x mark.

Attest:

Geo. W. G. Getty,
Col. 37th Inf'y, Bt.Maj. Gen'l U. S. A.
B. S. Roberts,

Bt. Brg. Gen'l U. S. A., Lt. Col. 3rd Cav'y.
J. Cooper McKee,
Bt. Lt. Col. Surgeon U. S. A.
Theo. H. Dodd,
U. S. Indian Ag't for Navajos.
Chas. McClure,
Bt. Maj. and C. S. U. S. A.
James F. Weeds,
Bt. Maj. and Asst. Surg. U.S. A.
J. C. Sutherland,
Interpreter.
William Vaux,
Chaplain U. S. A.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

Senate Ratification July 25, 1868

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Navajo Indians, concluded at Fort Sumner, New Mexico, on the first day of June, 1868.

Attest:
GEO. C. GORHAM.
Secretary,
By W. J. McDONALD,
Chief Clerk.

Proclaimed August 12, 1868

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be afixed.

Done at the City of Washington, this twelfth day of August in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

By the President:

W. Hunter,
Acting Secretary of State.

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INDEX

Acoma Pueblo (New Mexico): 240
Adahoonīlīgīī (Navajo language newspaper): 265
Ahkeah, Sam (Navajo): 273,282-283
Alamo Navajo Reservation: 77
Albuquerque, New Mexico: 46,52,77,112,150, 159,202,275,280
Albuquerque Indian School: 128,275
Alcatraz Prison (California): 174,184
Aldrich, A.E. (trader): 132
Allotments: 160-168,187; citizenship through, 220; 230,246,252-256; see also Dawes Severalty Act
American Indian Defense Association: 230
American Indian School of Medicine: photo of, 293;294
Anasazi: 11,133,135
Anaya, Juan (Navajo interpreter): 22,43
Aneth, Utah: 176
Aneth Extension (Utah): 161,253
Antes, Rev. Andrew: 176
Anti-Poverty Bill (1964): 284
Anton Chico, New Mexico: 77
Apache Indians: 23,78,98; trade with, 131; Chiricahua, 77; Mescalero, 37-38,40,45, 55,57-58,67-68
Archuleta (Navajo): 12,23
Area Health Education Center: 294
Area Redevelopment Act: 288
Arizona Boundary Act: 237,253
Arizona State University: 280
Armijo (Navajo): 13,20-21,73,75
Armistice of 1858: 28; Appendix E, 312
Army of the West: 3-4
Arny, W.F.M. (agent): recommends Navajo Police, 81; becomes agent, 84; recommends land exchanges, 85-87
Arrington, John: 93,110-112
Arthur, President Chester A.: 96,97
Arviso, Jesus (Navajo interpreter): 73,83
Ashurst, Henry F.: 165,197
Atchison, Topeka and Santa Fe Railway Company: 159
At-do-la (Navajo): 178
Atlantic and Pacific Railroad: charter granted, 85; 86,112,121; loses right of way, 159
Atsidi Chon (Navajo silversmith): 152
Atsidii Nééz Biye' (Navajo): 180,181
Atsidii Sánī (Navajo silversmith): 150
Atsidii Yázhīnī Biye' (Navajo): 172-174
Ayers, John (trader): 83
Aztec, New Mexico: 112,178,254
Aztec Land and Cattle Company: 155,159-160

Backus, Maj. Electus: builds Ft. Defiance, 18-19; replaced as commander, 21
Bailey, Lawrence: 22-23, 67-68
Baize: see bayeta
Ba-leen-la-ki (Navajo): 103
Bancroft, George (Navajo): 202,248,282
Barbas Hueras (Navajo): 86
Barboncito (Navajo): 22,31,38,58; as spokesman for Navajos at Bosque Redondo, 73-76
Bardony, Todachene (Navajo): 202
Bayeta: 145
Bear Springs (New Mexico): see Ojo del Oso
Beatty, Willard: 213,276
Beautiful Mountain (New Mexico): 9,177-181; oil lease, 200
Beclabito Trading Post (New Mexico): 134
Bedinger, Margary: 150,153-154
Béésh Ligaii (Navajo): 114,172,174,178
Bééshligaii Atsidí (Navajo): 50,116
Bééshligaii Íil' īinii Áltsóózīgīī (Navajo silversmith): 151
Bega, Becenti (Navajo): 202
Bega, Hosteen Beoiden (Navajo): 202
Begay, Clah (Navajo): 178
Begay, Mark (Navajo): 282
Bekis, Dougal Chee (Navajo): 50-51; member of Business Council, 201
Bellmont, Arizona: 258
Benedito (Mexican silversmith): 153
Bennett, Edna: 154
Bennett, Capt. Frank Tracy (agent): livestock distribution, 79-80; temporary agent, 83; replaces Eastman, 90-92; 120
Berney, Capt. Joseph: 47
Bia-a-lil-le (Be'elīlee, Navajo Medicine Man): 175-177,191
Bizhoshe (Navajo): 177-181
Bizhoshe Biye' (Navajo): 181
Bilį̄į̄ Libáha Biizháá'áád (Navajo weaver): 146-147
Bilį̄į̄ Lizhinii: see Black Horse
Billison, Sam (Navajo): 284
Biloh (Navajo): 172,174
Bisti, New Mexico: 134,289
Black Horse (Navajo): 108-110,172,178
Black Mesa (Arizona): 103

Black Mountain (Arizona): 172,175,177
"Blood Money": 26,,85
Bloomfield, George (trader): 147
Board of Indian Commissioners: 166
Bonneville, Gen. Benjamin: 28
Bonneville Treaty (1858): 28-29; Appendix F, 313-314
Borrego Pass School (New Mexico): 280
Bosque Redondo Reservation: created, 37; 40,43,45-53,55-71,73,76,77,78,83,145,150, 169, 185,190,224,287
Bourke, John G.: 92
Bowman, John (Navajo): 50
Bowman, John H. (agent): 97,102-103,119,128
Boyce, Dr. George: 267-269,276
Bradley, Frank (Navajo): 282
Brigham City, Utah: 276
Brimhall, Clay: 112
Brookings Institute (Washington, D.C.): 211
Brooks, Maj. William Thomas: 25-28
Brophy, William A.: 267-268
Brown, Dr. John: 93
Brown, Lt. W.C.: 110
Browning, Daniel M.: 115
Buell, Crawford: 49-50

Buell, Col. George P.: 93
Bueno Ci-nia (Navajo): 86
Buffalo Bill: 115
Bureau of Indian Affairs: 66,80,86,165,174, 176; trade regulations, 137-139; Indian land allotments, 161-164,167; Bureau regulations and agencies, 169-170,177; Courts of Indian Offenses, 181,183; Indian law and policy, 186-188,191; auction of Navajo oil leases, 199-200; Indian education, 125-129,205-215,263- 264,266-269; Indian health care, 215-219; attempts to protect Navajos from outside influences, 221; W.W. II personnel cuts, 261-262; rejects Navajo oil plan, 288; Home Improvement Program, 296
Burke Act (1906): 187; Indian citizenship, 220
Burke, Charles H.: 201,208,210,216; resigns, 211; grazing fees, 225
Burnham, New Mexico: 289
Bursum Bill: 230
Burton, Charles (Hopi Agent): 169
Bushnell Army Hospital (Brigham City, Utah): 276
Butler, Capt. Edward: 53
Cadette (Mescalero Apache): 58
Calhoun, James: 8-9,11-13,15-18,20-21
California Column: 35
Cameron, Arizona: 289
Canby, Bvt. Lt. Col. Edward S.: 30-32,35-38
Canby Treaty (1861): 31-32; Appendix G, 315-318
Cañon Bonito (Arizona): 18
Cañoncito Reservation (New Mexico): 77
Canyon Blanco (New Mexico): 77
Canyon de Chelly (Arizona): 12-14,18,28, 31,40,42-43,108,295
Canyon del Muerto (Arizona): 42
Canyon Largo (New Mexico): 23
Carey, Capt. Asa: 43
Carleton, Gen. James H.: commander of New Mexico Territory, 35-40; 45,46,48-49, 51-53,55-57,66-70
Carlisle Boarding School (Pennsylvania): 125,186; "Outing System, 126,206
Carrizo Mountains (New Mexico-Arizona): 106
Carson, Col. Christopher (Kit): 37-40,42-43,45,47,49,51,57
Carter, George: 22,150
Cateract Canyon (Arizona): 40
Cayetano (Navajo): 23,26
Cayetanito (Navajo): 86
Cebolle ta, New Mexico: 3,40,55,75
Cedar Springs, Arizona: 132
Ceremonies (Navajo): Coyote, 71,75; Blessingway and War Way Chants, 190
Chaats' óóz (Navajo): 112
Chaco Canyon (New Mexico): 11,29,135,153, 170
Chaco Land and Cattle Company: 167
Chapitone (Navajo): 9,14
Chapter House: 235-237, 294
Charles H. Burke School: see Ft. Wingate Boarding School
Chavez, Dennis: 255
Chavez, Jose Francisco: 37
Chavez, Manuel: New Mexico volunteer plan, 16; at Ft. Fauntleroy, 32-34
Checkerboard Areas (New Mexico-Arizona): 159-164,167,253-256
Cheeno (Navajo): 114
Cherokee Indians: 2
Cherokee Phoenix (Cherokee language newspaper): 2
Cheyenne Indians: 125
Chicago Exposition: 114-115
Chicago, Illinois: 114-115,229
Chickasaw Indians: 2

Chief Blankets: see weaving
Chief Many Horses (Navajo): 114-115
Chief Sandoval (Navajo): 114
Chiisch'ilii Biye' (Navajo): 135
    Chilchinbito, Arizona: 149n
Chinle, Arizona: 42,114,132,134; regional rug style, 148; 171,174,189,262; public school opened, 278
Chinle Boarding School: 207,266
Chinle Sub-Agency: 170
Chinle Valley (Arizona): 103
Chiquito (Navajo): 75
Chischillige, Deshna Clah (Navajo): 248
Choctaw Indians: 2

Christian Reformed Church: 247,281
Church of the Brethren: 281
Church Rock, New Mexico: 278,289
Chuska Mountains (New Mexico-Arizona): 53,289
Chuska Valley (New Mexico-Arizona): 20
Cienega Amarilla (Arizona): 134,172
Citizenship (Navajo): 219-221
Civil War: 32,35,66
Civilian Conservation Corps (CCC): on Navajo Reservation, 231-234,242,258
Claw, John (Navajo): 283
Coconino County (Arizona): 116,159
Coddington (trader): 132
Code Talkers (Navajo): World War II, 260-261
College of Ganado (Arizona): 281
Collier, John: 228-234,237-238,240,246,267
Colorado River Project (Parker, Arizona): 272
Columbian Exposition: see Chicago Exposition
Comanche Indians: 68,97,115
Community School Experiment (Navajo): 263-264
Competency Act: see Burke Act
Confederate Army: 35
Conklin, James L.: 11
Connelly, Henry: 29
Consolidated Navajo Agency: 170
Constitutional Assembly (Navajo): 248-250
Constitutional Committee (Navajo): 248-250
Coolidge, Dane: 114
Cornell University Medical College: 283
Cornfields Trading Post (Arizona): 132
Cortez, Colorado: 132,176
Cotton, C.N. (trader): 132
Courts of Indian Offenses: 183-186
Cove, Arizona: 212
Crary, George (trader): 132
Creation Myth (Navajo): 225
Creek Indians: 2
Crow Dog (Sioux): 182
Crownpoint, New Mexico: 91,170,215,237-238,262,276
Crownpoint Boarding School: 207
Crystal Trading Post (New Mexico): 133-134,146-147,174
Cubero, New Mexico: 5
Cubra Negar (Navajo): 86
Curley, Robert (Navajo): 250

Dale, Edward Everett: 128-129,183
Damon, Chandler Anson (trader): 132
Davis, Ed. (trader): 147
Daw, John (Navajo): 50
Dawes, Henry L.: 105
Dawes Severalty Act (1887): 105,160-164, 187,220,230,246
Day, Sam (Jr.): 134-135
Day Schools: see Navajo education
Dead Men's Mine (Lost Navajo Mine): 90
Dedera, Don: 148-149
Defiance Station (New Mexico): 112
Delgadito (Navajo): 31,38,45,57,73,75-76
Delgadito Chiquito (Diné Ana'ī): 57,77
Delgadito Grande: see Delgadito
Delgado: see Delgadito
Delhi-Taylor Oil Company: 288
Department of Health Planning and Resource Development (Navajo): 293
Department of Parks and Recreation (Navajo): 295
Department of Social Services and Welfare (Navajo): 294
Devil's Lake (North Dakota): 178
Diné Ana' ī (Enemy Navajo): 3,5,15,40,45,55, 75,77
Dinebeiina Nahiilna Be Agadithahe (DNA): 284
Diné Ligaii (Navajo): 171,174
Dinetah: 9
Diné Ts'ósí (Navajo): 102-103
Diné Ts'ósi Biye' (Navajo): photo,107; 177
Division of Justice, Legal Department (Navajo): 298
Division of Natural Resources (Navajo): 295
Dlad (Navajo): 171,174
Dodd, Billy (trader): 132
Dodd, Theodore (agent): 67,70,78,83,90
Dodge, Henry Chee (Navajo): 77; appointed

chief of Navajo Tribe, 98; 101; Superintendent of Ditches and Reservoirs, 105; 108-110,114,122, as trader, 132,150; in tol Zhin Affair, 172-174; 178, 180,181,185,191; in tribal government, 201-202,282; 234,248; heads Navajo delegation to Washington, 267
Dodge, Henry L. (Bi'ée'tlichíínii or Red Shirt): 21-22,150
Doniphan, Col. Alexander W.: 3-8
Doolittle Committee: investigates Ft. Faunleroy Massacre, 33; Ft. Sumner hearings, 67-68
Doolittle, James R.: 67
Dootl'izhii Dziil: see Mt. Taylor
Doo Yálti'í (Navajo): 174
Drefkoff, Max: conducts survey, 272; report, 287
Drought Relief Program (U.S.): 239
Durango, Colorado: 112,177

Eastern Navajo Agency: 170; livestock reduction quota, 234
Eastman, Galen (agent): becomes agent, 88-90; second term as agent, 92-26; 119,122
Economic Development Act (Navajo): 288
Economic Development and Planning Committee (Navajo): 288
Economic Opportunity Act: 279
Eighteen Mile Spring (Arizona): 103
Eisenhower, President Dwight D.: 283
El Barbon (Navajo): 58
Elementary and Secondary Education Act: see Public Law 89-10
Elephant Butte Dam (New Mexico): 40
Enabling Act: 85,159
Enemy Navajo: see Diné Ana'í
Environmental Protection Commission (Navajo): 289
Espicopalian Church: 281
E. T. Williams Oil Company: 198
Ewell's Camp (Ft. Defiance hay camp): 25
Exchange Act (1913): 166
Executive Order Lands: of 1878, 87-88,89, 91,97,158; of 1880, 91,158,170; of 1882 (Moqui), 96,98,169,298-299; of 1884, 97,99,113,158; of 1886, 97; of 1892, 113; of 1900, 158,160; of 1901, 159-162, 170; of 1905, 161; of 1907, 162-164,170; of 1917, 166; 196-200; ended, 166-167,252

Fairchild Camera and Instrument Corporation: 291
Fall, Albert Bacon: attempts to end Indian land allotments, 164-165; places Executive Order lands under General Leasing Act, 199
Faris, Chester E.: 226-227
Farmers Home Administration: 296
Farmington, New Mexico: 92,93,97,178,199, 221,254,290
Farmington Enterprise: 178
Farnsworth, Albert (trader): 132
Fauntleroy, Col. Thomas T.: 30-32
"Fearing Time": see Nidahazid dáá
Federal Emergency Relief Act: 240
Federal Housing Administration: 296
Federal Housing Authority: 296
Federal Office of Minority Business Enterprise: 292
Fed Mart Shopping Center (Window Rock, Arizona): 291
Fernandez, Antonio: 272
Ferry, T.W.: 92
Finney, E.C.: 203
Five Civilized Tribes: 2
Flagstaff, Arizona: 258
Fort Apache (Arizona): 176
Fort Canby (Arizona): map, 19,46; 38-39, 42-43,45-49; closed, 52; see also Ft. Defiance
Fort Defiance (Arizona): built, 18-19; 21-23,25-29; attacked by Navajos, 30; 32, 189; renamed Ft. Canby, 38-39; as agency site, 73; 77-80,103,107,108,110, 114,120,124,132,169,170,171,174,176,202; Sanatorium, 215; 218,224,236,262,263,276, 291,296
Fort Defiance Agency (Arizona): 78-80,84, 87,88,96,158,169-170,178,202,236
Fort Defiance Boarding School (Arizona): 92,108,110,116,128; closed, 275
Fort Fauntleroy (New Mexico): map, 19; 30-32,37; see also Fort Lyon
Fort Huachuca (Arizona): 175,1763
Fort Lewis College (Druango, Colorado): 280
Fort Lewis (Colorado): map, 19; 93
Fort Lyon (New Mexico): map, 19; 32,37,77; see also Ft. Wingate (new)
Fort Marcy (New Mexico): 11; map, 19
Fort Mojave Indian School (Arizona): 128
Fort Robinson (Nebraska): 180
Fort Sill Indian School (Oklahoma): 276
Fort Stanton (New Mexico): map, 19; 37,68
Fort Sumner, New Mexico (city of): 55
Fort Sumner (New Mexico): map, 19; 37,43,46, 48,49,50,51,55,56,57,59,60-65,66,67,69,73,77,

78,80,88,106,118,131,145,157,185,189,221,224, 232,287; silverwork at, 150
Fort Union (New Mexico): map, 19; 46
Fort Wingate, New Mexico (new) 77,78,80,102,103,112,114,116,171-172; troops used in Bia-a-lil-le Affair, 175-176; 224,258,260,263
Fort Wingate, New Mexico (old): map, 19; 37-38,40,45-47,51-53; abandoned, 77
Fort Wingate Boarding School (New Mexico) 114,207,212,260,264
Foster, Lafayette: 67
Four Corners Area: 22,90,132,161
Four Corners Power Plant (Arizona Public Service): 289
Foutz, Joseph Lehi: 134
Frazier, Lynn: 253
Fruitland, New Mexico: 132,289
Fryer, E. R.: 248-250

Gallup, D. H.: 121
Gallup, New Mexico: 77,112,121,132,167, 180,181,232,238
Ganado, Arizona: 278
Ganado Blanco (Navajo): 57
Ganado Mucho (Navajo): 22,29,31,76,86; witchcraft incident, 89; 96,98,105,132
Ganado Trading Post (Arizona): 132; regional rug style, 146,148
Garland, Gen. John: 22
Gaston, Miss Charity: 124
General Dynamics Corporation: 291
General Leasing Act (1920): 197-198
Germantown, Pennsylvania: 145
Getty, Gen. George: 69
Ghost Dance Religion: 84
Gilpin, Maj. William: 3-5
Glorieta Pass (New Mexico): 35
Good Shepherd Mission and Hospital (Ft. Defiance, Arizona): 123
Goodwin, F.M.: 201
Gorman, Howard (Navajo): 56-57,281
Gottbrath, Dr. Norbert: 180
Grand Canyon (Arizona): 50; Hopi House, 150; 295
Grant, President Ulysses S.: 86
Grants Station (New Mexico): 116
Graves, Julius: 68
Grazing Program (Navajo): excess grazing fees, 226-227; grazing permits, 241-244; 262,271
Grey Moustache (Navajo silversmith): 152
Griner, John: 20
Gunnison, Colorado: 102

Hadt, Capt. Nicholas: 33
Hagerman, Herbert J.: 202
Haile, Father Bernard: 248-249
Hall, W. F. (agent): 84
Hamblin, Jacob: protests Navajo raids, 80; 85
Harrington, John P.: 214
Harvey, Fred: 149-150
Hashkan, Ray (Navajo): 250
Hash Kéh Neiniih (Navajo): 90; murder of prospectors, 102-103
Hash Kéh Neiniih Biye' (Navajo): murder of prospectors, 102-103; photo of, 104
Haskell Institute (Kansas): 128
Hastiin Nééz (Navajo): 114
Hataalii Chíí'Yázhí (Navajo): 177-181
Havasupai Indians: 131
Hayden, Carl: 253
Hayes, President Rutherford B.: 87
Haystacks (Arizona): 48
Hayt, A. E.: 137
Hayzlett, George (agent): 116
Headstart Program: 279,284
Healing, Dewey (Hopi): 299
Healing -v- Jones Case: 299
Health: on Navajo Reservation, 122,215-219,292-294; World War II inductees, 260; During World War II, 262-263
"Hell's Gate": see Ft. Defiance
Henley, Max (Navajo): 282
Herrero or Huero (Navajo): appointed spokesman for Navajos, 29; 31,52,57,67,70,73,75
Herrero (Navajo silversmith) 150
Herrero Grande: see Herrero
Higher Education Facilities Act: 279
Higher Education Scholarship Fund (Navajo): 279-280
Hitchcock, W. A.: 173-174
Hitler, Adolph: 258
Hogback (New Mexico): 198-200
Holbrook, Arizona: 22
Hombro (Navajo): 75
Homestead Act (1862): 67
Homestead Act (1875): 86,159
Hoopa Valley Indian Reservation (California): 182-183
Hoover, President Herbert: 229
Hopi Agency: 169,202
Hopi Indian Reservation (Arizona): referred to as Moqui, 169,202; livestock reduction quota, 234

Hopi Indians: 41,96,97,112,272,298,299
Hosh-tah (Navajo): 181
Howard, Edgar: 246
Howard, Gen. O. O.: 81
Hubbell, Charles: 110
Hubbell: Lt. Charles M.: 49
Hubbell, John Lorenzo (Don Lorenzo or Naakaii Sání): 132; photo of, 133; use of trading tokens, 139; influence on weaving, 146: 149; influence on silverwork, 153
Hubbell, Roman: 149
Hudspeth, A. H.: 177
Hughes, John: 5
Hunter, John: 224,232; creates Chapter Houses, 235-236
Hwéèldei: 48,50-51; *see also* Bosque Redondo

Ickes, Harold: 229,231; issues grazing guidelines, 240; approves Navajo Tribal Council reorganization proposal, 250; issues 1938 Tribal Council rules, 251; places Eastern Checkerboard under Taylor Grazing Act, 256
Indian Affairs Commission: 58,66
Indian Appropriation Acts: 1900 Act, 161; 1914 bill, 164-165; 1918 bill, 166; 1900 Act, 187; 1902 Act, 187; 1907 Act, 187; 1907-1910 Acts, 187; 1920 bill, 197
Indian Arts and Crafts Board: 155
Indian Citizenship Act (1924): 219-220
Indian Claims Act: 282
Indian Claims Commission: 50-51, 282
Indian Education Act (1887): 105,108,205
Indian Health Service: *see* U.S. Public Health Service
Indian Law: 182-183
Indian Messiah: *see* Wovoka
Indian Office: see Bureau of Indian Affairs
Indian Oil Leasing Act (1924): 200
Indian Oil Leasing Act (1927): 200
Indian Peace Commission: 70-71; investigates Bosque Redondo, 73-76
Indian Removal Act: (1830): 1-2
Indian Rights Association: 114,122,159; protests Tol Zhin Affair, 175; protests Bia-a-lil-le Affair, 176
Indian Service: see Bureau of Indian Affairs
Indian Territory: 2,75
Indian Trade Act: 137
Intermountain Indian School (Brigham City, Utah): 276
Inter-Tribal Council of Pueblos: 230
Irvine, Alexander (agent): 87,119

Jackson, Col. Congreve: 3-5
Jemez Indians (Pueblo): 97
Jemez, New Mexico: 20
Jesus, Hosteen Yazzie (Navajo): 202
Jewett (New Mexico): 110
Jim (a black slave): 25-26
Joe, Julia, Lillie and Emma (Navajo weavers): 148-149
Johnson-O'Malley Act: 277
Johnson, President Andrew: 71
Johnson, President Lyndon B.: 279,284
Johnston, Phillip: 260
Johnston, Rev. William R.: 158,260
Jones Canyon (Arizona): 239-240
Jones, Paul (Navajo): 283,299
Juanica (Navajo): 114-115
Juanita Pal-ti-to (Navajo): 86
Judadore (Navajo): 58
Kanuho, Marcus (Navajo): 248,250
Kasti-Ana (Navajo): 93
Kavanaugh, Finis E.: 33
Kayenta, Arizona: 22,278
Keam, Thomas Varker (agent and trader): organizes Navajo Scouts, 81; 83; becomes Navajo agent, 84; 92-93,96,132
Keams Canyon (Arizona): 132; Hopi Agency established, 169; 238
Kearny, Gen. Stephen Watts: 2-4,6
Keleher, William A.: 52-53
Kelly, Lawrence: 43n.,161,164,167,203-204
Kendall, Henry: 83
Kendrick, Maj. Henry Lane: 21
Kennedy, President John F.: 279
Kenny Oil and Refining Company: 198
King, Jeff (Navajo): 50-51
King, Tom: 105
Kinsel, Ray (Navajo): 250
Kinteel, Arizona: 133
Kiowa Indians: 68,125
Kirtland, New Mexico: 110
Klagetoh, Arizona: 30,147
Klah, Hosteen (Navajo): 152
Kozlowski Ranch (New Mexico): 46,52
Krug, Julius A.: 269; visits Navajo Reservation, 272

"La' Affaire Black Horse": 108-110,132
Labadie, Lorenzo: 59
La Farge, Oliver: 214
Laguna Colorado or Red Lake (New Mexico): 4; *see also* Laguna Negra
Laguna Indian Pueblo (New Mexico): 240

Laguna Negra (New Mexico): 22; *see also* Treaty of
Lame Man (Navajo): 221-222
Landreth (a gambler): killed by Navajos, 116
Lane, Franklin K.: 180
Lane, William Carr: 21
Largo (Navajo): 73,75
Largo (Navajo silversmith): 152
Largo, Jose (Navajo): 9,12-13
Largos, Zarcillos (Navajo): at Treaty of Ojo del Oso, 7,9; refuses to attend meeting at Canyon de Chelly, 14; at Treaty of Laguna Negra, 22; grazing incident at Ft. Defiance, 25; murder of slave, 26; killed, 30; son of, 31; 189
Las Vegas, New Mexico: 37
Leavenworth Prison (Kansas): 184
Lee's Ferry (Arizona): 131
Leonard, "Old Man" William: 131
Lewis, Lt.: 172-173
Lieu Law: land exchanges, 161,162,166
Lincoln, Anthony (Navajo): 285
Lincoln, Murry (Navajo): 285
Lincoln, President Abraham: 55
Linni: *see* Tol Zhin
Littell, Norman: 282
Little Colorado River: 22,85,116,131
Livestock (Navajo): 43,47,69-70; distribution of, 79-80; 83,91,102,119-120,157; overgrazing of, 224,226-228; reduction of, 226,233-235; role of Chapter Houses in reduction, 236-237; second reduction program, 237-240,241-244; linked with Wheeler-Howard Bill, 246-248; 253,256,259,262
Lockhart, George: 105
Loh, Jules: 51
Long Walks (The): 45-53,58,76,184-185
Los Angeles, California: 260
Los Pinos Military Depot (New Mexico): 45,47,49,51
Lucas, Sally Jean: 217,218
Lucero, Juan (Navajo): 26
Luepp, Arizona: 291
Luepp Agency (Arizona): incorporated into Tuba City sub-agency, 170; 202,234,235-236,262
Luepp Boarding School (Arizona): 207,266
Luepp, Francis E.: 159,162; in Tol Zhin Affair, 172,174; in Bia-a-lil-le Affair, 176; 186-187
Lukachukai Mountains (New Mexico-Arizona): 178
Luk achukai Trading Post (Arizona): 133; regional rug style, 148
Luna, Ramon: 32
Lutheran Church: 281
McCabe, Capt. Francis: 48
McDonald, Eleanor: 110-112
McDonald, Peter (Navajo): 285
McElmo Canyon (Colorado-Utah): 176
McKee, J. Cooper: 26
MacKenzie, Col. R. E.: 93
McKinley, President William: 158
McKinley County (New Mexico): 167,181,254
McLaughlin, Maj. James: 178-180
McNally, James: 102-103
McNitt, Frank: 46,92,93,102,135,147,149
Major Crimes Act: 182-183
Maloney, Adolph (Navajo): 283
Mancos Creek Trading Post (Colorado): 132
Manifest Destiny: 2
Manning, Ned (Navajo): 114
Manuelito (Navajo): refuses to attend meeting at Canyon de Chelly, 14; appointed Navajo spokesman, 22; 23; reclaims grazing rights at Ft. Defiance, 25; 26-27,29,31; referred to as "Pistol Bullet", 33; surrenders in 1968, 52-53; travels to Washington, 71,86; 73,75; comments on return from Bosque Redondo, 77; heads Navajo Scouts, 81; orders death of accused witches, 89; 96,98,106,115; advice on education, 124; 189
Manuelito Segundo (Navajo): 86
Manuelito Station (New Mexico): 105
Many Beads (Navajo): 77
Many Farms, Arizona: 280
Mariano (Navajo): 31,86
Mariano Martinez (Navajo): 14
Mariano Lake (Arizona): 212
Marshall Plan: 271
Martin, Robert (Navajo): 202
Martin, S. R.: 93
Melis, P. E.: 228
Mennonites: 281
Meriam, Lewis: 210
Meriam Report: on Navajo education, 210-211,215; on Navajo health care, 215-217
Meriwether, David: 21-22
Merrick and Mitchell (prospectors): killed, 90; 96,102
Merritt, E. B.: compromise on land allotments, 165-166; introduces grazing fees, 226-227
Mescalero Apaches: *see* Apache Indians
Metalliferous Minerals Leasing Act: 197
Mexican Springs, New Mexico: 232,276
Mexican Springs Experiment Station (New Mexico): 233

Mexican War: 2
Midwest Refining Company: 198-199,201
Miles, Col. Dixon: 21,28
Miller, James (agent): 83-84,92,96
Mining Law (1891): 196-197
Mitchell, Charlie (Navajo): 114,172,178; member of Navajo Business Council, 201
Mitchell, Frank (Navajo): 250
Mix, E. E.: 69-70
Moencopi Wash (Arizona): 112,131
Monument Canyon (Arizona): 28
Monument Valley (Arizona): 90,289,295
Moore, John B. (trader): 133-134; influence on weaving, 146-147
Moqui: see Hopi Indians
Morgan, Jacob C. (Navajo): 202; opposes bilingual education and closing of boarding schools, 214,238; opposes Wheeler-Howard Bill, 247-248; opposes Tribal Council reorganization, 249-250,251; elected Tribal Chairman, 252; opposes New Mexico Boundary Bill, 249,255; 281
Morgan, Thomas J.: issues Court of Indian Offenses rules, 184
Morgan, William (Navajo): 214,265
Mormons: 80,85,112; trade with, 131-132; 134
Mountain Route (Long Walk Period): 46,52
Mount Taylor (New Mexico): named, 15; 50,77
Muck, Lee: 228,244
Muerto de Hombre (Navajo): 75; killed as witch, 89
Monroe, Bvt. Col. John: 15,18
Mussolini, Benito: 258

Naachids: 189-190
Naakaii Sání: see J. L. Hubbell
Naakaii Yázhí (Mexican trader): 132
Naat'áanii: 173,190,192-195
Nahataah (Navajo): 189
Nakai, Raymond (Navajo): 284
Nalhishe (Navajo): 248
Narbona (Navajo): 4,9,12-14,23
Narbona Primero (Navajo): 58,75
Narbona Segundo (Navajo): 76
National School Lunch Program: 279
Navajo, John (Navajo interpreter): 122
Navajo, New Mexico: 290
Navajo Agency: see Ft. Defiance Agency
Navajo Agricultural Products Industry: 290
Navajo Alphabet: 214,265
Navajo Arts and Crafts Enterprise: 155,295
Navajo Communications Company: 292
Navajo Community College (Tsaile, Arizona): 240,280-281
Navajo Community College Bill: 280
Navajo Dam Reservoir: 290
Navajo Education: 123-129,205-215; World War II inductees, 260; 263-264,266-269,273-281
Navajo Education Committee: 278-279
Navajo Emergency Education Program (NEEP): 274-275
Navajo Extension: see Executive Order lands, 1901
Navajo Forest Products: 290
Navajo Generating Station (Page, Arizona): 289
Navajo Health Authority: 294
Navajo Heritage Center (Window Rock, Arizona): 295
Navajo-Hopi Joint Use Area: 298-299
Navajo-Hopi Land Settlement Act (1974): 299
Navajo-Hopi Long Range Rehabilitation Act (1950): 269; becomes law, 272; education under, 273-276; 283
Navajo Housing Authority: 296
Navajo Indian Irrigation Project: 290
Navajo Methodist Mission (Farmington, New Mexico): 281
Navajo Mountain (Utah): 40,212
Navajo Police: established, 81; 89,121,173, 177
Navajo Project: 233; *see also* Mexican Springs Experiment Station
Navajo Rangers: 295
Navajo Shopping Center (Navajo, New Mexico): 291
Navajo Small Business Development Corporation: 292
Navajo Springs, Arizona: 105,116
Navajo traditional social-political structure: 189-196
Navajo Tribal Business Council: 196,200, 201
Navajo Tribal Council: 201-204,205; protests off reservation boarding schools, 210; accepts day school program, 211; approves excess grazing fees, 226-227; accepts first livestock reduction, 233-234; considers Wheeler-Howard Bill, 237-238; special grazing regulations, 241-244; accepts Wheeler-Howard Bill, 246; authorizes Tribal Council reorganization, 248; new rules for, 251-252; supports World War II effort, 259,261-262,263; stresses need for Navajo education, 267; recognized by federal government, 272; Navajo-Hopi Rehabilitation Program, 273-274; education on reservation, 274-281; modern leadership, 281-285;

reservation programs, 287-299
Navajo Tribal Council Advisory Committee: 288
Navajo Tribal Council Executive Committee: as Executive Committee to draft constitution, 248-250; 252
Navajo Tribal Museum (Window Rock, Arizona): 295
Navajo Tribal Utility Authority: 292
Navajo Wool Marketing Program: 291-292
Navajo Zoological Park (Window Rock, Arizona): 295
Nazaline Trading Post (Arizona): 132
Neal (trader): 132
Nees K'aha (Navajo): 110-112
Nelson, Fred (Navajo): 248
Nenahnezad, New Mexico: 289
Neskahi, Allen (Navajo): 248
New Deal: programs on Navajo Reservation, 231-235
"New Men": 4-5,7
New Mexico and Arizona Land Company: 159-160,252
New Mexico Boundary Extension Bill: 237,248-249,254-256
New Mexico Livestock Association: 255
New Mexico National Guard: 260
New Mexico Volunteers: 11,14-18,30-31,39, 48,52
New Mexico Wool Growers Association: 255
Newby, Col. Edward: 9,11,20
Newby Treaty (1848): 9,12-13; Appendix B, 303-304
Newcomb, Franc: 148,215-216
Nez-bit-chili (Navajo): 181
Nez, Hosteen (Navajo): 202
Nidahadzid Dáá (Fearing Time): 40-42
Ni'dilwolí benálí (Navajo): 181
Ni'dilwolí Biye' (Navajo): 181
Nii'ditl'oii: see Hash Keh Neinih Biye'
Noel, Frank: 134
Noel, Henry: 134
Noel's Store (Sanostee, New Mexico): 180
Noland, O. E. (trader): 132
No-Mah's Grandmother (Navajo): 50
North Central Association of Colleges and Secondary Schools: 281
Northern Arizona University: 280
Northern Navajo Agency: 170,234
Northern Pacific Railroad: 258
Norton, A. B.: 70
Nyce, G. M.: 228
Office of Business Management (Navajo): 296
Office of Economic Opportunity: 284
Office of Navajo Economic Opportunity: 279-280,284-285,292,294
Office of Program Development (Navajo): 288
Oil on Navajo Reservation: 197,198-201, 248,283,287-288
Ojo del Gallo (New Mexico): 37
Ojo del Oso (Bear Springs, New Mexico): 4,28,30; *also see* Treaty of Ojo del Oso
Old Nata (Navajo): 189
Oraibi, Arizona: 41,112,132
Overall Economic Development Program (Navajo): 288

Page, Arizona: 289
Painted Desert (Arizona): 295
Paiute Indians: 90,103
Paiute Strip (Utah): 113,253
Palmer, Ed: 105
Paquette, Peter: 178,180,208
Patterson, Samuel S. (agent): 103-106,119
Paul, Doris: 261
Pawn: see trade customs
Peabody Coal Company (Black Mesa Mine, Arizona): 289
Pearl Harbor, Hawaii: 258,260
Pecos River Reservation: *see* Bosque Redondo Reservation
Pedro, Jose (Navajo): 13
Perry, Rueben (agent): 171-175
Peter, Dr. W. W.: 217
Petrified Forest (Arizona): 295
Pheiffer, Capt. A. W.: 42,45
Philadelphia, Pennsylvania: 122
Phoenix Indian School (Arizona): 128,276
Piedra Pintada Canyon (New Mexico): 52
Pinto (Navajo): 112
Piscado Springs (New Mexico): 28
"Pistol Bullet": see Manuelito
Plummer, Edward H. (agent): 110-116,119,224-225
Polk, President James K.: 2
Polly (Navajo): 176
Polygamy: 177,184,262
Pope, William H.: 181
Pratt, Capt. R. H.: establishes Carlisle Boarding School, 125; 126,186
Presbyterian Church: Board of Home Missions, 83,124; 84,281
Preston, Scott (Navajo): 282-283
Price, Hiram: 126

Price, Pete (Navajo): 218
Producers Refining Corporation: 199
Public Law 89-10 (Elementary and Secondary Education Act): 279
Public Law 93-638 (Indian Self-Determination and Education Assistance Act): 285
Public Law 390: 272
Public Law 474: *see* Navajo-Hopi Long Range Rehabilitation Act
Public Law 815: 277-278
Public Law 874: 277
Pueblo Bonito Agency: 135,170,202
Pueblo Bonito Reservation: 164
Pueblo Colorado (Arizona): 38
Pueblo Indians: 11,16,40,84,118,125; trade with, 131; influence on Navajo weaving, 142; 230
Pueblo Revolt (1680-1692): 142
Pyle, Frank (trader): 132
Pyle, John C. (agent):87-88
Ramah Navajo High School (Ramah, New Mexico): 280
Ramah Navajos: 77
Range Management Districts (Navajo): 240-241,262
Range Riders: 262
Rattlesnake oil lease: 200
Red Cross: 1921 survey on Navajo health, 216; 272
Red Lake Trading Post (Arizona): 133
Red Rock, Arizona: 289
Redshaw, Herbert: 221-222
Rehoboth Mission School (Gallup, New Mexico): 281
Reid, Capt. John W.: 4-5
Returned Students Association: 238,247
Rhoads, Charles J.: encourages day schools for Navajos, 211; 217
Rio Colorado: *see* Colorado River
Rio Grande: 2,3,4,35,45,53,77
Rio San Juan: see San Juan River
Rio Tunicha (Arizona): 28
Riordan, Dennis (agent): 96-100,102,224
Riverside Indian School (California): 128,276
Robinson, Jacob S.: 5
Rock Point Elementary School (Arizona): 280
Roosevelt, President Franklin Delano: 229,231
Roosevelt, President Theodore: 158,162-164,196
Ross, Lewis W.: 67
Rough Rock Demonstration School (Arizona): 279
Round Rock, Arizona: 108,110,132
Ryan, W. Carson: 213
St. Louis and San Francisco Railroad: 85; acquires Atlantic and Pacific Railway holdings, 159
St. Michaels, Arizona: 91
St. Michaels Mission (Arizona): 134,166, 171-172,176,178,248,281
Sanchez, Dr. George: surveys Navajo education needs, 268-269
Sandoval, Antonio (Diné Ana'í): 3-5,7,11, 13-14
San Juan Agency: 84,135,170,171,175-176, 177,198; *also see* Northern Navajo Agency
San Juan Area: 84,85-87
San Juan Council (Navajo): 198-199
San Juan County (New Mexico): 167,255,290
San Juan Indian Training School (Shiprock, New Mexico): 170,171
San Juan River: 5,22,28,53,83,97,110,112
San Juan Valley (New Mexico): 93,254
Sanostee, New Mexico: 9,289
Sanostee Trading Post (New Mexico): 134,180
Santa Fe, New Mexico: 3-5,11,19-21,30,45, 46,53,67,93,112,135,181,255; auction of Navajo oil leases, 200
Santa Fe Indian School (New Mexico): 128; photo, 207
Santa Fe and Pacific Railroad: 159,161
Santa Fe Railroad: 159,252-253,258
Santa Fe Route (Long Walk Period): 45-46
Santa Fe Weekly New Mexican: 71
Sawmill (Arizona): 278
Schweizer, Herman: 154
Scott, Gen. Hugh: in Bia-a-lil-le Affair, 176; in Beautiful Mountain Uprising, 180-181
"Seco": *see* Trade customs
Sehili Trading Post (Arizona): 133; photo, 136
Selective Service Training Act: 259
Sells, Cato: 178
Seminole Indians: 2
Seventh Day Adventist Church: 281
Shaw, Robert: 173
Sheep Springs (New Mexico): 21
Shelton, William T. (agent): 135; in Bia- a-lil-le Affair, 175-177; in Beautiful Mountain Uprising, 177-181
Sherman, Gen. William Tecumseh: 73-76
Sherman Institute (Riverside, California): 276
Shipley, David (agent): 108-110
Shiprock Agency: see San Juan Agency and Northern Navajo Agency
Shiprock Boarding School (Shiprock, New Mexico): 207,212,264,266,273
Shiprock Fair (Northern Navajo Fair): 175

Shiprock High School (Shiprock, New Mexico): 264
Shiprock, New Mexico: 50,83,114,132,135; regional rug style, 148; 170,175-176, 185,215,262; hospital, 215,262; 221,238; NCC branch, 281; 291,294,296
Shiprock Peak (New Mexico): 200
Shirley, Jim (Navajo): 248,250
Shonto, Arizona: 212
Simington, A. W.: 167
Simpson, Lt. James K.: chronicles Washington Expedition, 11-12,14-15
Simpson, Maj. John Smith: 29-30
Singer, Amon (Navajo): 282
Sioux Indians: 115,178; Brule Band, 182
Skeet, Wilson (Navajo): 285
Slaves (Navajo): 3,7,9,16,30-32,39,47,67, 75,97
Slave Traders: Diné Ana'í, 3; 9,11,15,30- 31,221
Silverwork (Navajo): 118,123, influence of traders, 138-139,151-153; use of coins, 151; types of articles, 152-154; examples of, 152; tourist influence, 153,154-155; Arts and Crafts Guilds, 155; counterfeiting of, 155; World War II influence, 262; 258,292
Smith, D. H.: 112
Smith, Lott: 112
Smith, Marcus A.: 166-167
Southern Navajo Agency: creation, 170; livestock reduction quota, 234; Chapter Houses started, 236
Southwest Trachoma Campaign: 216-217
Special Navajo Education Program: 275-276, 280
Spicer, Edward: 80
"Spoils System": 82,96
Spotted Tail (Sioux): 182
Springfield, Missouri: 85
Squaw Dance (Navajo): 178,235
Stacher, Samuel F. (agent): 135
Steck, Matthew: 66
Stewart, James: 237-238
Stotzenberger, Lt.: 107-108
Stover (trader): 132
Sumner, Col. Edwin Voss: 18-21,37
Sunrise Springs Trading Post (Arizona): 152
Sutherland, James (Spanish interpreter): 73
Sweetland, Archibald (trader): 133; photo, 136

Table Mesa Oil Lease (New Mexico): 200
Taft, President William Howard: 196
Taliman, Henry (Navajo): 248,250
Tappan, Col. Samuel F.: 73,76,190
Taylor Grazing Act (1933): 256
Taylor, President Zachery: 15
Teapot Dome Scandal: 200
Tecolote (New Mexico): 46
Teec Nos Pos Trading Post (Arizona): 134; regional rug style, 148; photo, 274
Teller, Henry: 96; creates Courts of Indian Offenses, 183
Terre Haute, Indiana: 106
Thick Lips (Mexican silversmith): 153
Thomas, Ben: 83
Thomas, John: 4
Thompson, Gerald: 43n
Thompson, Hildegard: 265,276
Thompson, Capt. John: 43n., 47-48
Thoreau, New Mexico: 152,154
Tiene-su-se (Navajo): 86; photo, 94
T'iis Skaad Ch'ínílí: *see* Washington Pass
Tijeras Canyon (New Mexico): 52,77
Title I: see Public Law 89-10
Toadlena, New Mexico: 147,202,276
Toadlena Boarding School (Toadlena, New Mexico): 207
Tocito Dome Oil Lease: 200
Tocito Trading Post (New Mexico): 134
Tohatchi, New Mexico: 91,128,262
Tohatchi Boarding School (Tohatchi, New Mexico): 207,266
Tóh nilts'ílí Ch'ín ílí: *see* Crystal Trading Post
Tolakai Springs, New Mexico: 91
Tol Zhin (Navajo): 171-175
Tol Zhin Affair: 171-175,191
Tólízhiní: *see* Tol Zhin
Tomlinson, Ruby: 265
Tonalea, Arizona: *see* Red Lake Trading Post
Torivio (Navajo): 73
Townships (survey): 253n.
Tquayoni (Navajo): 172
Trade Customs: pawn, 138-139; tokens, 139-140; rugs (blankets), 145-146; rug rooms, 150
Trade Prices: lists required, 137; regulations of profits, 137; rugs (blankets), 145-146,148-150
Trading License: 132,137
"Trail of Tears": 2
Treaty of 1849: *see* Washington Treaty
Treaty of 1868: Signed by Navajos, 76; Article XII, 79; rations, 80,121; 82,83, 87,89,93; education, 123,208,267; Article X, 201,203; 169,219,281; Appendix H, 319-325
Treaty of Laguna Negra: 22,25,28,31; Appendix D, 308-311
Treaty of Ojo del Oso: 5-9; Appendix A, 301-302
Treaty Reservation (Navajo): map, 79; 87,

91,101,159,161,170,196,199,200
Trowbridge, Bess: 265
Truman, President Harry S.: 272
Tsaile, Arizona: 280
Tsaile Creek (Arizona): 103
Tse Bonito Park Zoo (Window Rock, Arizona): 295
Tse'deek'áhá or Stone Chewers: *see* Alamo Navajo Reservation
Tséé hootsoi: *see* Canon Bonito
Tsé gáhoodzání: *see* Window Rock, Arizona
Tso, Zhealy (Navajo): 282
Ts'ósíni Biye' (Navajo): 171,174
Tuba (Hopi): 112
Tuba City, Arizona: 112; regional rug style, 148; 170,233,237,238,262,276,278
Tuba City Boarding School (Tuba City, Arizona): 207,212,264
Tucson, Arizona: 299
Tucson Indian School (Tucson, Arizona): 128
Tugi-Yazzie (Navajo): 102-103
Tunicha Creek (New Mexico): 11
Tunicha Mountains: 5-11
Tusayan Forest Addition (Arizona): 253
Two Gray Hills rugs: 147-148
Two Gray Hills Trading Post (New Mexico): 11,134

Underhill, Ruth: 99,122
U.S. Constitution: 219-220
U.S. Department of Agriculture: 232
U.S. Department of Interior: 68-69,211, 229,255,256,272
U.S. Department of Justice: 299
U.S. Department of War: 15,18-19,58,115, 180
U.S. Public Health Service: 215,283-284, 292-293
U.S. -v- Jake and Lucy Yellowman: 243

United Traders Association: 247
University of Arizona: 280
University of New Mexico: 280
University of Texas: 268
Usahelin, Hosteen (Navajo): 202
Ush tilly (Navajo): 171-172,174
Utah International Mining Corporation: 289
Ute Indians: raids against Navajos, 30, 83-84,85; as guides in Navajo campaign, 39-40; 78,97; trade with, 131; Compote and Winamuche bands, 84

Valencia County (New Mexico): 167
Valverde (New Mexico): Battle of, 37
Vandever, Charles E. (agent): 106-108,119
Van Valkenburgh, Richard: 88
Vecenti, Dan: 185-186
Vocational Education Act: 279

Wááshinidoon (Washington, D.C.): 8,71,82
Wasleigh, Mr.: 108
Walcott, Samuel: 102-103
Walker, Frank (interpreter): 108
Walker, Maj. Robert: 9
Walker, Mrs. (Navajo laundress): 114
Wallen, Maj. Robert: 59
War Bonds (World War II): 260-261
Ward, John: 32; proposes Navajo political organization plan, 190
Washington, Col. John M. S.: 11-15
Washington Expedition: 11-15,18
Washington Pass (New Mexico): 14,21,103, 133
Washington Treaty (1849): 14-15,18,20,22; Appendix C, 305-307
Watchman, Lewis (Louis?) Navajo: 114,202
Weaving (Navajo): 118,123; influence by Crystal Trading Post, 133-134; influence by traders, 140,142-150; Arts and Crafts Guilds, 155,292; 258,265
Weber, Anselm (O.F.M.): supports Navajo land needs, 166; 171,175,178,180-181; on Navajo education, 208
Wedo, Wendell (Navajo): 114
Welch: killed by Nees K'achá, 110-112
Western Navajo Reservation Agency: 158, 160,170,202; livestock reduction quota, 234
Western States Oil and Land Company: 198
Western Union Telegraph Company: 116
Wetherill, Richard: 135,153
Wetherill, Winslow (Win): 134
Wheeler, Burton K.: 246
Wheeler-Howard Reorganization Act (1934): 237-238,246-248,251,255
Wheelock, Rev. Eleazer: 125
Wheelwright, Mary Cabot: 148
White Cone, Arizona: 91
Wide Ruins, Arizona: 133,148
Wilbur, Ray: 253
Wilkin, Robert: 175,180
William, Aubrey: 189,194
Williams, Capt. Constant (agent): 113,116
Williard, Capt. H. O.: 171-173,175
Wilson, Jack: *see* Wovoka
Wilson, President Woodrow: 166
Window Rock, Arizona: 18,48,50,155; consolidated agency headquarters, 170;

238,248,250,272; public school opened, 278, 289,291,295
Wingate, Capt. Benjamin: 37
Winslow (Navajo): 171
Winslow, Arizona: 22,105,149
Woehlke, Walter: 241
Work, Hubert: 200,211
World War I: 197,216; citizenship for Indian veterans, 220
World War II: 215,258-266,282,283,298
Wovoka (Paiute): 84

Yázhi Hastiin (Navajo): 172
Yazzie, Hosteen (Navajo): 115
Yazzie, Maxwell (Navajo): 282
Yeibichai Dance (Navajo): 172-173,235
Yodeatapai (Navajo): 114
Yost, Samuel: 29
Young, Robert: 8,77,90,120-121,190,214, 225,265
Youth Corps (Navajo): 279

Zagenitzo (Navajo): 202
Zeh, William: 227-229
Zuni, New Mexico: 15,22-23
Zuni Indians: 52
Zuni River: 22,28